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Attorneys for Defendants
ETHEX Corporation and
Target Corporation

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CV10 1042

GAF (JEMx)

JULIUS FRIEDMAN, an individual,
Plaintiff,

vs.

ETHEX CORPORATION, a Foreign
Corporation; TARGET
CORPORATION, a Foreign
Corporation registered to do business
in California; and DOES 1-25,
Defendants.

No.

DEFENDANTS ETHEX
CORPORATION AND TARGET
CORPORATION'S JOINT NOTICE
OF REMOVAL

[28 U.S.C. §§ 1332, 1441 & 1446]

[Diversity Jurisdiction]

SONNENSCHN NATH & ROSENTHAL LLP
601 SOUTH FIGUEROA STREET, SUITE 2500
LOS ANGELES, CALIFORNIA 90017-5704
(213) 623-9300

COPY

1 TO THE CLERK OF THE UNITED STATES DISTRICT COURT FOR
2 THE CENTRAL DISTRICT OF CALIFORNIA:

3 PLEASE TAKE NOTICE that defendants ETHEX Corporation ("ETHEX")
4 and Target Corporation ("Target") (collectively "Defendants") hereby jointly
5 remove the above-captioned action from the Superior Court of the State of
6 California for the County of Los Angeles to this Court, pursuant to 28 U.S.C. §§
7 1332, 1441 and 1446. In support thereof, Defendants state as follows:

8 **THE STATE COURT ACTION**

9 ETHEX and Target are defendants in a civil action now pending in the
10 Superior Court of the State of California for the County of Los Angeles, Case No.
11 BC416693, entitled "*Julius Friedman v. ETHEX Corporation, et al.*" (the "State
12 Court Action"). Pursuant to 28 U.S.C. § 1446(a), a true and correct copy of all
13 "process, pleadings, and orders," including the complaint ("Complaint"), served
14 on Defendants, as well as all papers or exhibits of every kind on file with respect
15 to this action in the state court, are collectively attached hereto as Exhibit A.

16 Plaintiff filed the State Court Action on June 25, 2009. (Complaint, p. 1)
17 The Complaint does not plead facts to indicate whether the requisite amount in
18 controversy is met, and therefore the case was not initially removable. ETHEX
19 was served on October 23, 2009 and answered on November 23, 2009. Target was
20 served on October 15, 2009 and answered on November 13, 2009. On January 12,
21 2010, Plaintiff served Defendants via U.S. Mail and facsimile with his Case
22 Management Statement, in which Plaintiff claimed damages in excess of \$75,000,
23 making the case removable. This Notice of Removal is therefore timely pursuant
24 to 28 U.S.C. § 1446(b) and Fed. R. Civ. P. 6(a).

25 Pursuant to 28 U.S.C. § 1446(d), a Notice to the Clerk of the Superior Court
26 of Los Angeles and Adverse Parties is being filed in the State Court Action
27 concurrently with the filing of the Notice of Removal.

28 ///

DIVERSITY OF CITIZENSHIP

Plaintiff is now, and has been, a resident citizen of the State of California. *See* Declaration of Shirin M. Soleman (“Soleman Decl.”), attached hereto as Exhibit B, at ¶ 3, Ex. 2 at 2:26-3:2. Therefore, Plaintiff is now, and at the time of the commencement of the State Court Action was, a citizen of the State of California for diversity jurisdiction purposes. 28 U.S.C. § 1332(c)(1).

Defendant ETHEX “is, and was, at all times relevant herein, a foreign corporation doing business in California.” (Complaint ¶ 2) ETHEX is now, and at the time of the commencement of the State Court Action was, a citizen of a state other than the state of California for diversity jurisdiction purposes. 28 U.S.C. § 1332(c)(1). ETHEX is, and has been, a corporation incorporated under the laws of the State of Missouri with its principal place of business in Missouri. *See* Soleman Decl. ¶ 4, Ex. 3, attached hereto as Exhibit B.

Defendant Target “is and was, at all times relevant herein, a foreign corporation registered to do business in Los Angeles, California.” (Complaint ¶ 3) Target is now, and at the time of the commencement of the State Court Action was, a citizen of a state other than the state of California for diversity jurisdiction purposes. 28 U.S.C. § 1332(c)(1). Target is, and has been, a corporation incorporated under the laws of the State of Minnesota with its principal place of business in Minnesota. *See* Soleman Decl. ¶ 5, Ex. 4, attached hereto as Exhibit B.

Plaintiff also purports to sue various defendants under fictitious names – “DOES 1 through 10 inclusive.” (Complaint at ¶ 4) Plaintiffs do not allege the citizenship of these defendants. (*Id.*) However, pursuant to 28 U.S.C. § 1441(a), “the citizenship of defendants sued under fictitious names shall be disregarded.” *See Kruso v. Int’l Tel. & Tel. Corp.*, 872 F.2d 1416, 1424-25 (9th Cir. 1989), *cert. den.* 496 U.S. 937, 110 S. Ct. 3217 (1990).

Therefore, complete diversity of citizenship exists between the parties to this action.

AMOUNT IN CONTROVERSY

Diversity jurisdiction exists "where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs." 28 U.S.C. § 1332. The amount in controversy for jurisdictional purposes is determined by the amount of damages or the value of the property that is the subject of the action. *See Hunt v. Wash. State Apple Advertising Comm'n*, 432 U.S. 333, 347-48 (1977); *Meisel v. Allstate Indem. Co.*, 357 F. Supp. 2d 1222, 1225 (E.D. Cal. 2005). Based upon the claim for damages asserted in Plaintiff's Case Management Statement, the amount in controversy in this case exceeds \$75,000, exclusive of interest and costs, and therefore the requisite jurisdictional amount has been met. *See Soleman Decl.*, attached hereto as Exhibit B, at ¶ 2, Ex. 1 at ¶ 4(b)); *Wigley v. Aircraft Serv. Int'l Group*, 2009 U.S. Dist. LEXIS 119525 (C.D. Cal. Nov. 30, 2009) ("It is undisputed that Defendants had notice that the amount-in-controversy exceeded \$75,000 when Defendants received the June 17, 2009 Case Management Statement that estimated wage and medical costs in excess of \$ 242,000."). Plaintiff also denies that the damages he seeks in his Complaint is no more than \$75,000, exclusive of interest and costs. *See Soleman Decl.*, attached hereto as Exhibit B, at ¶ 3, Ex. 2 at 3:4-7.

Accordingly, the amount in controversy, exclusive of interest and costs, exceeds \$75,000.

JURISDICTION

The State Court Action is a civil action over which this Court has original jurisdiction under 28 U.S.C. § 1332, in that complete diversity of citizenship exists between the parties and the amount in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs.

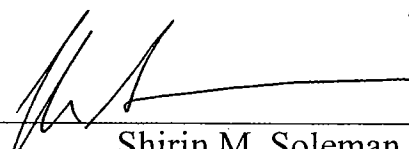
The State Court Action is therefore one which ETHEX and Target may remove to this Court pursuant to 28 U.S.C. §§ 1441 and 1446.

1 WHEREFORE, defendants ETHEX and Target respectfully remove this
2 action from the Superior Court of the State of California for the County of Los
3 Angeles to this Court, and prays that this Court retain jurisdiction over this action
4 to the exclusion of any other proceedings in said State Court.

5
6 Dated: February 11, 2010

SONNENSCHN NATH & ROSENTHAL LLP

7
8
9 By


Shirin M. Soleman

Attorneys for Defendants
ETHEX Corporation and Target Corporation

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SONNENSCHN NATH & ROSENTHAL LLP
601 SOUTH FIGUEROA STREET, SUITE 2500
LOS ANGELES, CALIFORNIA 90017-5704
(213) 623-9300

EXHIBIT A

1 **GIRARDI | KEESE**
2 **JOHN A. GIRARDI, Bar #: 54917**
3 **1126 Wilshire Boulevard**
4 **Los Angeles, California 90017**
5 **(213) 977-0211**
6 **Attorney for Plaintiff**

CONFORMED COPY
OF ORIGINAL FILED
Superior Court of California
County of Los Angeles

JUN 26 2009

John A. Clacka, Executive Officer/Clerk
By RUGENA LOPEZ, Deputy

7 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
8 **COUNTY OF LOS ANGELES**

9 **JULIUS FRIEDMAN, an individual,**

CASE NO.

10 **Plaintiff,**

BC416693

11 **vs.**

COMPLAINT FOR:

1. NEGLIGENCE

12 **ETHEX CORPORATION, a Foreign**
13 **Corporation; TARGET CORPORATION, a**
14 **Foreign Corporation registered to do business**
15 **in California; and DOES 1 – 25,**

16 **Defendants.**

17 **Plaintiff, JULIUS FRIEDMAN complains and alleges as follows:**

18 **INTRODUCTION**

19 **1. Plaintiff Julius Friedman (hereafter as "Plaintiff") was prescribed Isosorbide**
20 **Mononitrate 30 mg tablets (hereafter as "the Prescription") to treat his heart condition. Between**

1 2007 to 2009, Plaintiff obtained the Prescription from a local Target Pharmacy located on 2831
 2 Eastland Ctr. Dr., West Covina, CA 91791. The Prescription he obtained was manufactured by
 3 Defendant Ethex Corporation (hereafter as "Ethex"). The Prescription contained more than the
 4 intended levels of the active drug ingredient Isosorbide Mononitrate. Plaintiff suffered bodily
 5 injuries as a result of his ingestion of the Prescription.

6 7 8 THE PARTIES

9
10 2. Defendant Ethex Corporation, is and was, at all times relevant herein, a foreign
11 corporation doing business in California.

12 3. Defendant Target Corporation is and was, at all times relevant herein, a foreign
13 corporation registered to do business in Los Angeles, California.

14 4. Plaintiff is ignorant of the true names and capacities of Defendants sued hereunder as
15 DOES 1 through 10 inclusive, and therefore sues these Defendants by such fictitious names.
16 Plaintiff is informed and believe and thereon allege that each of the fictitiously named Defendants
17 is responsible in some manner for the occurrences herein alleged, and that the Plaintiff's damages
18 as herein alleged were proximately caused by their conduct. Plaintiff will amend this complaint to
19 allege the true names and capacities of the defendants DOES 1 through 10 when ascertained.
20 These fictitiously named Defendants, and each of them are, and at all times mentioned were, acting
21 in concert with Defendants, and the parties DOES 1 through 10 inclusive are sued herein
22 individually and joined as Defendants in this action.

23 5. At all times relevant herein, all Defendants including DOE Defendants were the
24 agents, servants and employees of each other Defendants, and were acting within the course and
25 scope of their said agency and employment.

26 //

27 //

28 //

FIRST CAUSE OF ACTION
NEGLIGENCE
(Against all Defendants)

1
2
3
4 1. Plaintiff re-alleges each and every allegation contained in the above paragraphs and
5 by this reference incorporates said paragraphs as though fully set forth herein.

6 2. At all times herein mentioned, Defendants had a duty to properly manufacture,
7 design, formulate, compound, test, produce, process, assemble, inspect, research, distribute, market,
8 label, package, prepare for use, sell, prescribe, consult and adequately warn of the risks and dangers
9 of the aforementioned product.

10 3. At all times herein mentioned, Defendants negligently and carelessly manufactured,
11 designed, formulated, compounded, produced, processed, assembled, inspected, distributed,
12 marketed, labeled the proper content and dosage, packaged, consulted or failed to consult, prepared
13 for use and sold the aforementioned products and failed to adequately test and warn of the risks and
14 dangers of the aforementioned products.

15 4. As a proximate result of Defendants' negligence, Plaintiff was rendered sick, sore,
16 lame and disabled, and was injured in health, strength and activity. As a result of said injuries,
17 Plaintiff has had and in the future will have pain, suffering worry, and anxiety. By reason of said
18 injuries and consequences, Plaintiff has sustained general damages in a monetary sum.

19 5. By reason of said injuries, Plaintiff has incurred expenses of physicians, hospitals,
20 medical, ambulance, nursing and incidentals, the exact amounts of which at this time cannot be
21 ascertained, all to further damage. By reason of said injuries, Plaintiff will probably incur additional
22 expenses in the future, the exact amounts of which at this time cannot be ascertained, all to further
23 damage. When said amounts of past and further expenses are ascertained, Plaintiff will ask leave of
24 court to amend his complaint and insert said amounts herein.

25 6. Also by reasons of his injuries, Plaintiff has lost and will continue to lose earnings in
26 an amount as yet unascertainable.
27
28

1 WHEREFORE, Plaintiffs pray for relief as set forth below.

- 2 1. For compensatory and general damages according to proof;
3 2. For special damages according to proof;
4 3. For costs of the proceedings herein; and
5 4. For all such other and further relief as the Court deems just and proper.

6
7 DEMAND FOR JURY TRIAL
8

9 Furthermore, Plaintiffs hereby request and demand a jury trial on all issues of fact and law
10 allowed under the law.
11

12 DATED: June 26, 2009

GIRARDI | KEESE

13
14 BY: _____

John A. Girardi

15 JOHN A. GIRARDI
16 Attorney for Plaintiff
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CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): JOHN A. GIRARDI GIRARDI & KEESE 1126 Wilshire Boulevard Los Angeles CA 90017 STATE BAR NO. 54917 TELEPHONE NO.: (213) 977-0211 FAX NO.: (213) 481-1554 ATTORNEY FOR (Name): Plaintiff JULIUS FRIEDMAN		FOR COURT USE ONLY CONFORMED COPY OF ORIGINAL FILED Superior Court of California County of Los Angeles JUN 26 2009 John A. Clarke, Executive Officer/Clerk By <u>RUGENA LOPEZ</u> Deputy
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: Same CITY AND ZIP CODE: Los Angeles CA 90017 BRANCH NAME: CENTRAL		
CASE NAME: Julius Friedman, an individual v. Ethex Corporation		
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000)	<input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)	
Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)		CASE NUMBER: JUDGE: BC416693 DEPT:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input checked="" type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- a. ☐ Large number of separately represented parties d. ☐ Large number of witnesses
- b. ☐ Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve e. ☐ Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
- c. ☐ Substantial amount of documentary evidence f. ☐ Substantial postjudgment judicial supervision
3. Remedies sought (check all that apply): a. ☒ monetary b. ☐ nonmonetary; declaratory or injunctive relief c. ☐ punitive
4. Number of causes of action (specify): **Negligence**
5. This case ☐ is ☒ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: June 26, 2009

JOHN A. GIRARDI

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

SHORT TITLE: Friedman v. Ethex Corporation, et al.,

CASE NUMBER

**CIVIL CASE COVER SHEET ADDENDUM AND STATEMENT OF LOCATION
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

This form is required pursuant to LASC Local Rule 2.0 in all new civil case filings in the Los Angeles Superior Court.

Item I. Check the types of hearing and fill in the estimated length of hearing expected for this case:

JURY TRIAL? ☒ YES CLASS ACTION? ☐ YES LIMITED CASE? ☐ YES TIME ESTIMATED FOR TRIAL ☐ HOURS/ ☒ 8 DAYS

Item II. Select the correct district and courthouse location (4 steps – If you checked "Limited Case", skip to Item III, Pg. 4):

Step 1: After first completing the Civil Case Cover Sheet Form, find the main civil case cover sheet heading for your case in the left margin below, and, to the right in Column A, the Civil Case Cover Sheet case type you selected.**Step 2:** Check one Superior Court type of action in Column B below which best describes the nature of this case.**Step 3:** In Column C, circle the reason for the court location choice that applies to the type of action you have checked.

For any exception to the court location, see Los Angeles Superior Court Local Rule 2.0.

Applicable Reasons for Choosing Courthouse Location (See Column C below)

- | | |
|---------------------------------------------------------------------------------|------------------------------------------------------------|
| 1. Class Actions must be filed in the County Courthouse, Central District. | 6. Location of property or permanently garaged vehicle. |
| 2. May be filed in Central (Other county, or no Bodily Injury/Property Damage). | 7. Location where petitioner resides. |
| 3. Location where cause of action arose. | 8. Location wherein defendant/respondent functions wholly. |
| 4. Location where bodily injury, death or damage occurred. | 9. Location where one or more of the parties reside. |
| 5. Location where performance required or defendant resides. | 10. Location of Labor Commissioner Office. |

Step 4: Fill in the information requested on page 4 in Item III; complete Item IV. Sign the declaration.

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Auto Tort	Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1., 2., 4.
	Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist	1., 2., 4.
Other Personal Injury/Property Damage/Wrongful Death Tort	Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage <input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	2. 2.
	Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1., 2., 3., 4., 8.
	Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons <input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1., 2., 4. 1., 2., 4.
	Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall)	1., 2., 4.
		<input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.)	1., 2., 4.
<input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress		1., 2., 3.	
<input checked="" type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death		2., 4.	
Non-Personal Injury/Property Damage/Wrongful Death Tort	Business Tort (07)	<input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1., 2., 3.
	Civil Rights (08)	<input type="checkbox"/> A6005 Civil Rights/Discrimination	1., 2., 3.
	Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1., 2., 3.
	Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1., 2., 3.

SHORT TITLE: Friedman v. Ethex Corporation, et al.,		CASE NUMBER		
Judicial Review (Cont'd.)	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)		
	C Applicable Reasons - See Step 3 Above			
Provisionally Complex Litigation	Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus <input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter <input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2., 8. 2. 2.	
	Other Judicial Review (39)	<input type="checkbox"/> A6150 Other Writ / Judicial Review	2., 8.	
	Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1., 2., 8.	
	Construction Defect (10)	<input type="checkbox"/> A6007 Construction defect	1., 2., 3.	
	Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1., 2., 8.	
	Securities Litigation (28)	<input type="checkbox"/> A6035 Securities Litigation Case	1., 2., 8.	
	Toxic Tort Environmental (30)	<input type="checkbox"/> A6036 Toxic Tort/Environmental	1., 2., 3., 8.	
	Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1., 2., 5., 8.	
	Enforcement of Judgment	Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment <input type="checkbox"/> A6160 Abstract of Judgment <input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations) <input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes) <input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax <input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2., 9. 2., 6. 2., 9. 2., 8. 2., 8. 2., 8., 9.
		RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1., 2., 8.
Miscellaneous Civil Complaints		Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only <input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment) <input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex) <input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1., 2., 8. 2., 8. 1., 2., 8. 1., 2., 8.
		Partnership Corporation Governance (21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2., 8.
		Miscellaneous Civil Petitions	Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment <input type="checkbox"/> A6123 Workplace Harassment <input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case <input type="checkbox"/> A6190 Election Contest <input type="checkbox"/> A6110 Petition for Change of Name <input type="checkbox"/> A6170 Petition for Relief from Late Claim Law <input type="checkbox"/> A6100 Other Civil Petition

SHORT TITLE: Friedman v. Ethex Corporation, et al.,	CASE NUMBER
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Item III. Statement of Location: Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., Step 3 on Page 1, as the proper reason for filing in the court location you selected.

REASON: CHECK THE NUMBER UNDER COLUMN C WHICH APPLIES IN THIS CASE		ADDRESS:
<input type="checkbox"/> 1. <input type="checkbox"/> 2. <input type="checkbox"/> 3. <input checked="" type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10.		6380 Wilshire Boulevard
CITY:	STATE:	ZIP CODE:
Los Angeles	CA	90048

Item IV. *Déclaration of Assignment*: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the above-entitled matter is properly filed for assignment to the LOS ANGELES SUPERIOR COURT courthouse in the Central District of the Los Angeles Superior Court (Code Civ. Proc., § 392 et seq., and LASC Local Rule 2.0, subds. (b), (c) and (d)).

Dated: June 26, 2009


 (SIGNATURE OF ATTORNEY/FILING PARTY)
 JOHN A. GIRARDI

PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet form CM-010.
4. Complete Addendum to Civil Case Cover Sheet form LACIV 109 (Rev 01/07), LASC Approved 03-04.
5. Payment in full of the filing fee, unless fees have been waived.
6. Signed order appointing the Guardian ad Litem, JC form FL-935, if the plaintiff or petitioner is a minor under 18 years of age, or if required by Court.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES
NOTICE OF CASE ASSIGNMENT - UNLIMITED CIVIL CASE
Case Number _____

BC 416698

THIS FORM IS TO BE SERVED WITH THE SUMMONS AND COMPLAINT

Your case is assigned for all purposes to the judicial officer indicated below (Local Rule 7.3(c)). There is additional information on the reverse side of this form.

ASSIGNED JUDGE	DEPT	ROOM	ASSIGNED JUDGE	DEPT	ROOM
Hon. Elihu M. Berle	1	534	Hon. Holly E. Kendig	42	416
Hon. J. Stephen Czuleger	3	224	Hon. Mel Red Recana	45	529
Hon. Luis A. Lavin	13	630	Hon. Aurelio Munoz	47	507
Hon. Terry A. Green	14	300	Hon. Elizabeth Allen White	48	506
Hon. Richard Fruin	15	307	Hon. Conrad Aragon	49	509
Hon. Rita Miller	16	306	Hon. John Shepard Wiley Jr.	50	508
Hon. Mary Thornton House	17	309	Hon. Abraham Khan	51	511
Hon. Helen J. Bendix	18	308	Hon. Susan Bryant-Deason	52	510
Hon. Judith C. Chirlin	19	311	Hon. John P. Shook	53	513
Hon. Kevin C. Brazile	20	310	Hon. Ernest M. Hiroshige	54	512
Hon. Zaven V. Sinanian	23	315	Hon. Malcolm H. Mackey	55	515
Hon. Robert L. Hess	24	314	Hon. Jane L. Johnson	56	514
Hon. Mary Ann Murphy	25	317	Hon. Ralph W. Dau	57	517
Hon. James R. Dunn	26	316	Hon. Rolf M. Treu	58	516
Hon. Yvette M. Palazuelos	28	318	Hon. David L. Minning	61	632
Hon. John A. Kronstadt	30	400	Hon. Michael L. Stern	62	600
Hon. Alan S. Rosenfield	31	407	Hon. Kenneth R. Freeman	64	601
Hon. Mary H. Strobel	32	406	Hon. Mark Mooney	68	617
Hon. Charles F. Palmer	33	409	Hon. Edward A. Ferns	69	621
Hon. Amy D. Hogue	34	408	Hon. Soussan G. Bruguera	71	729
Hon. Gregory Alarcon	36	410	Hon. Ruth Ann Kwan	72	731
Hon. Joanne O'Donnell	37	413	Hon. Teresa Sanchez-Gordon	74	735
Hon. Maureen Duffy-Lewis	38	412	Hon. William F. Fahey	78	730
Hon. Michael C. Solner	39	415	Hon. Carl J. West*	311	CCW
Hon. Ann I. Jones	40	414	Other		
Hon. Ronald M. Sohigian	41	417			

***Class Actions**

All class actions are initially assigned to Judge Carl J. West in Department 311 of the Central Civil West Courthouse (609 S. Commonwealth Ave., Los Angeles 90005). This assignment is for pretrial purposes and for the purpose of assessing whether or not the case is complex within the meaning of California Rules of Court, rule 3.400. Depending on the outcome of that assessment, the class action case may be reassigned to one of the judges of the Complex Litigation Program or reassigned randomly to a court in the Central District.

Given to the Plaintiff/Cross-Complainant/Attorney of Record on _____ JOHN A. CLARKE, Executive Officer/Clerk
By _____, Deputy Clerk

INSTRUCTIONS FOR HANDLING UNLIMITED CIVIL CASES

The following critical provisions of the Chapter Seven Rules, as applicable in the Central District, are summarized for your assistance.

APPLICATION

The Chapter Seven Rules were effective January 1, 1994. They apply to all general civil cases.

PRIORITY OVER OTHER RULES

The Chapter Seven Rules shall have priority over all other Local Rules to the extent the others are inconsistent.

CHALLENGE TO ASSIGNED JUDGE

A challenge under Code of Civil Procedure section 170.6 must be made within 15 days after notice of assignment for all purposes to a judge, or if a party has not yet appeared, within 15 days of the first appearance.

TIME STANDARDS

Cases assigned to the Individual Calendaring Court will be subject to processing under the following time standards:

COMPLAINTS: All complaints shall be served within 60 days of filing and proof of service shall be filed within 90 days of filing.

CROSS-COMPLAINTS: Without leave of court first being obtained, no cross-complaint may be filed by any party after their answer is filed. Cross-complaints shall be served within 30 days of the filing date and a proof of service filed within 60 days of the filing date.

A Status Conference will be scheduled by the assigned Independent Calendar Judge no later than 270 days after the filing of the complaint. Counsel must be fully prepared to discuss the following issues: alternative dispute resolution, bifurcation, settlement, trial date, and expert witnesses.

FINAL STATUS CONFERENCE

The Court will require the parties at a status conference not more than 10 days before the trial to have timely filed and served all motions in limine, bifurcation motions, statements of major evidentiary issues, dispositive motions, requested jury instructions, and special jury instructions and special jury verdicts. These matters may be heard and resolved at this conference. At least 5 days before this conference, counsel must also have exchanged lists of exhibits and witnesses and have submitted to the court a brief statement of the case to be read to the jury panel as required by Chapter Eight of the Los Angeles Superior Court Rules.

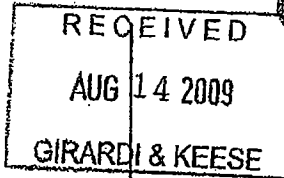
SANCTIONS

The court will impose appropriate sanctions for the failure or refusal to comply with Chapter Seven Rules, orders made by the Court, and time standards or deadlines established by the Court or by the Chapter Seven Rules. Such sanctions may be on a party or if appropriate on counsel for the party.

This is not a complete delineation of the Chapter Seven Rules, and adherence only to the above provisions is therefore not a guarantee against the imposition of sanctions under Trial Court Delay Reduction. Careful reading and compliance with the actual Chapter Rules is absolutely imperative.

NOTICE SENT TO:

Girardi, John A., Esq.
 Girardi & Keese, Law Offices of
 1126 Wilshire Blvd.
 Los Angeles, CA 90017

ORIGINAL FILED
FILE STAMP

AUG 13 2009

LOS ANGELES
SUPERIOR COURT

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

JULIUS FRIEDMAN

Plaintiff(s),

CASE NUMBER

BC416693

VS.

ETHEX CORPORATION ET AL

Defendant(s).

NOTICE OF CASE
MANAGEMENT CONFERENCE

TO THE PLAINTIFF(S)/ATTORNEY(S) FOR PLAINTIFF(S) OF RECORD:

You are ordered to serve this notice of hearing on all parties/attorneys of record forthwith, and meet and confer with all parties/attorneys of record about the matters to be discussed no later than 30 days before the Case Management Conference.

Your Case Management Conference has been scheduled for October 26, 2009 at 8:30 am in Dept. 74 at ✓
 111 N. Hill Street, Los Angeles, California 90012.

Pursuant to California Rules of Court, 3.720-3.730, a completed Case Management Statement (Judicial Council form # CM-110) must be filed at least 15 calendar days prior to the Case Management Conference. The Case Management Statement may be filed jointly by all parties/attorneys of record or individually by each party/attorney of record. You must be familiar with the case and be fully prepared to participate effectively in the Case Management Conference.

At the Case Management Conference, the Court may make pretrial orders including the following, but not limited to, an order establishing a discovery schedule; an order referring the case to Alternative Dispute Resolution (ADR); an order reclassifying the case; an order dismissing fictitious/unnamed defendants; an order setting subsequent conference and the trial date; or other orders to achieve the goals of the Trial Court Delay Reduction Act (GC 68600 et seq.)

Notice is hereby given that if you do not file the Case Management Statement or appear and effectively participate at the Case Management Conference, the Court may impose sanctions pursuant to LASC Local Rule 7.13, CCP Sections 177.5, 575.2, 583.150, 583.360 and 583.410, GC Section 68608 (b), and California Rules of Court 2.2 et seq.

Date: August 13, 2009

TERESA SANCHEZ-GORDON

Judicial Officer

CERTIFICATE OF SERVICE

I, the below named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served the Notice of Case Management Conference upon each party or counsel named above:

☒ by depositing in the United States mail at the courthouse in Los Angeles, California, one copy of the original filed herein in a separate sealed envelope to each address as shown above with postage thereon fully prepaid.

☐ by personally giving the party notice upon filing the complaint.

Date: August 13, 2009

John A. Clarke, Executive Officer/Clerk

E. MORENO

by _____, Deputy Clerk

SUM-100

SUMMONS (CITACION JUDICIAL)

NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):

Ethex Corporation, a foreign Corporation;
Target Corporation, a foreign Corporation;
registered to do business in California and
YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE): Does 1-25
Julius Friedman, an individual

**CONFORMED COPY
OF ORIGINAL FILED**
Los Angeles Superior Court
OCT 09 2009

John A. Clarke, Executive Officer/Clerk
By Dawn Alexander Deputy
DAWN ALEXANDER

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **[AVISO]** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, pueda perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 o más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desecher el caso.

The name and address of the court is:
(El nombre y dirección de la corte es):

LOS Angeles Superior Court
111 N Hill Street

CASE NUMBER
(Número del Caso):

BC416693

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

John A. Girardi
Girardi & Keese

Ph: 213 977-1021 Fax 213 481-1554

DATE: 1126 Wilshire Blvd
(Fecha)

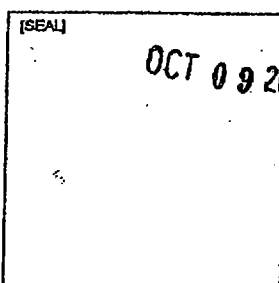
JOHN A. CLARKE, CLERK

DAWN ALEXANDER

Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010)).

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).



NOTICE TO THE PERSON SERVED: You are served

1. ☐ I am an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):

ETHEX Corporation, A Foreign Corporation

3. ☒ on behalf of (specify):

under: ☒ CCP 416.10 (corporation)

☐ CCP 416.20 (defunct corporation)

☐ CCP 416.40 (association or partnership)

☐ other (specify):

☐ CCP 416.60 (minor)

☐ CCP 416.70 (conservatee)

☐ CCP 416.80 (authorized person)

4. ☐ by personal delivery on (date):

SUMMONS (CITACION JUDICIAL)

SUM-100

NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):

Etthey Corporation, a foreign Corporation;
TARGET Corporation, a foreign Corporation;
registered to do business in California and
YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE): Does 1-25
Julius Friedman, an individual

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

CONFORMED COPY
OF ORIGINAL FILED
Los Angeles Superior Court

OCT 09 2009

John A. Clarke, Executive Officer/Clerk
By DAWN ALEXANDER Deputy

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

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The name and address of the court is:

(El nombre y dirección de la corte es):

Los Angeles Superior Court
111 N Hill Street

CASE NUMBER
(Número del Caso):

BC416693

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

John A. Girardi

Ph: 213 977-6211 Fax: 213 481-1554

Girardi & Keese

JOHN A. CLARKE, CLERK

DAWN ALEXANDER

DATE: 1126 Wilshire Blvd

(Fecha)

Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010)).

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

(SEAL)

OCT 09 2009

NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):

3. ☒ on behalf of (specify):

under ☒ CCP 416.10 (corporation)

☐ CCP 416.20 (defunct corporation)

☐ CCP 416.40 (association or partnership)

☐ other (specify):

4. ☐ by personal delivery on (date):

TARGET CORPORATION, A FOREIGN
CORPORATION REGISTERED TO DO
BUSINESS IN CALIFORNIA

☐ CCP 416.60 (minor)

☐ CCP 416.70 (conservatee)

☐ CCP 416.90 (authorized person)



**Service of Process
Transmittal**

10/15/2009

CT Log Number 515580410

TO: Jason Walbourn, Senior Counsel - Litigation
Target Corporation
1000 Nicollet Mall
Minneapolis, MN 55403-

RE: Process Served in California

FOR: Target Corporation (Domestic State: MN)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: Julius Friedman, etc., Pltf. vs. Ethex Corporation, etc., et al. including Target Corporation, Dfts.

DOCUMENT(S) SERVED: Summons, Complaint, Cover Sheet Addendum and Statement, Notice of Case Assignment, Instructions, Notice of Case Management Conference, Cover Sheet

COURT/AGENCY: Los Angeles County, Superior Court, Hill Street, CA
Case # BC416693

NATURE OF ACTION: Personal Injury - Pltf. suffered bodily injuries as a result of his ingestion of the prescription

ON WHOM PROCESS WAS SERVED: C T Corporation System, Los Angeles, CA

DATE AND HOUR OF SERVICE: By Process Server on 10/15/2009 at 14:15

APPEARANCE OR ANSWER DUE: Within 30 days after service - File written response // October 26, 2009 at 8:30 a.m. - Case management conference

ATTORNEY(S) / SENDER(S): John A. Girardi
Girardi & Keese
1126 Wilshire Blvd.
Los Angeles, CA 90017
213-977-0211

ACTION ITEMS: CT has retained the current log, Retain Date: 10/15/2009, Expected Purge Date: 10/20/2009
Image SOP
Email Notification, Non Employee Litigation Target gl.legal@target.com

SIGNED: C T Corporation System
PER: Nancy Flores
ADDRESS: 818 West Seventh Street
Los Angeles, CA 90017
TELEPHONE: 213-337-4615

Page 1 of 1 / RM

Information displayed on this transmittal is for CT Corporation's record keeping purposes only and is provided to the recipient for quick reference. This information does not constitute a legal opinion as to the nature of action, the amount of damages, the answer date, or any information contained in the documents themselves. Recipient is responsible for interpreting said documents and for taking appropriate action. Signatures on certified mail receipts confirm receipt of package only, not contents.

Exhibit A

Page 18

COPY

SONNENSCHN NATH & ROSENTHAL LLP
601 SOUTH FIGUEROA STREET, SUITE 2500
LOS ANGELES, CALIFORNIA 90017-5704
(213) 623-9300

GARY M. ROBERTS (State Bar No. 132452)
SHIRIN SOLEMAN (State Bar No. 252323)
SONNENSCHN NATH & ROSENTHAL LLP
601 South Figueroa Street, Suite 2500
Los Angeles, California 90017-5704
Telephone: (213) 623-9300
Facsimile: (213) 623-9924

Attorneys for Defendant
Target Corporation

CONFORMED COPY
OF ORIGINAL FILED
Los Angeles Superior Court

NOV 13 2009

John A. Clarke, Executive Officer/Clerk
By SHAUNYA WESLEY, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

JULIUS FRIEDMAN, an individual,

Plaintiff,

vs.

ETHEX CORPORATION, a Foreign
Corporation; TARGET CORPORATION, a
Foreign Corporation registered to do
business in California; and DOES 1-25,

Defendants.

No. BC 416693

[Assigned for all purposes to the Honorable
Teresa Sanchez-Gordon]

DEFENDANT TARGET
CORPORATION'S ANSWER TO
PLAINTIFF'S COMPLAINT

Complaint Filed: June 26, 2009
Trial Date: None Set

Exhibit A

Page 19

1 Defendant Target Corporation ("Defendant") states for its answer to Plaintiff Julius
2 Friedman's ("Plaintiff") Complaint as follows:

3 **GENERAL DENIAL**

4 1. Pursuant to California Code of Civil Procedure § 431.30(d), Defendant denies,
5 generally and specifically, each and every allegation in the Complaint that charges or relates to
6 or purports to charge or relate to Defendant, and further expressly denies, generally and
7 specifically, that Plaintiff has been damaged in the sum or sums alleged, or any other sum or
8 sums whatsoever, or at all.

9 2. Defendant further denies that Plaintiff has sustained any injury, damage or loss
10 whatsoever by reason of any conduct, action, error or omission on the part of Defendant.

11 **AFFIRMATIVE AND ADDITIONAL DEFENSES**

12 As and for separate affirmative or additional defenses to the purported cause of action in
13 Plaintiff's Complaint, Defendant states as follows:

14 **FIRST DEFENSE**

15 (Failure to State a Cause of Action)

16 1. The Complaint, and the purported cause of action alleged therein, fails to state facts
17 sufficient to constitute a cause of action against Defendant.

18 **SECOND DEFENSE**

19 (Statute of Limitations)

20 2. The Complaint, and the purported cause of action alleged therein, is barred by
21 applicable statutes of limitations, including, without limitation, California Code of Civil
22 Procedure Sections 335.1, 340.8, and 343.

23 **THIRD DEFENSE**

24 (Laches)

25 3. The purported cause of action alleged in the Complaint is barred by the doctrine of
26 laches.

27
28 Exhibit A
Page 26

SONNENSCHEN NATH & ROSENTHAL LLP
601 SOUTH FIGUEROA STREET, SUITE 2500
LOS ANGELES, CALIFORNIA 90017-5704
(213) 621-9300

1 FOURTH DEFENSE

2 (Unclean Hands)

3 4. The purported cause of action alleged in the Complaint is barred by unclean hands.

4 FIFTH DEFENSE

5 (Estoppel)

6 5. Plaintiff is estopped from asserting the purported cause of action alleged in the
7 Complaint.

8 SIXTH DEFENSE

9 (Waiver)

10 6. Plaintiff has waived the purported cause of action alleged in the Complaint.

11 SEVENTH DEFENSE

12 (Misuse)

13 7. The purported cause of action alleged in the Complaint is barred by Plaintiff's
14 misuse of the product alleged in the Complaint.

15 EIGHTH DEFENSE

16 (Failure to Mitigate)

17 8. Plaintiff has failed to mitigate or reasonably attempt to mitigate damages, if any,
18 as required by law.

19 NINTH DEFENSE

20 (Assumption of Risk)

21 9. Plaintiff freely and voluntarily assumed the risk of injury and damage alleged in
22 the Complaint, with full knowledge and appreciation of the magnitude thereof, which
23 assumption of the risk was a proximate cause of the alleged damage, if any, sustained.

24 TENTH DEFENSE

25 (Comparative Fault/Fault of Others)

26 10. To the extent Plaintiff has been damaged, such damages are the result of conduct,
27 breaches, acts, or omissions of Plaintiff or others and not Defendant.

28 Exhibit A
Page 21

ELEVENTH DEFENSE

(Not Sole Proximate/Legal Cause)

11. Damages allegedly sustained by Plaintiff were the result of an intervening or superseding cause or occurred as a result of the negligence of someone other than Defendant, and thus Defendant was not the sole proximate or legal cause of Plaintiff's alleged loss.

TWELFTH DEFENSE

(No Breach of Duty of Care)

12. Defendant's alleged conduct did not fall below the applicable standard of care.

THIRTEENTH DEFENSE

(Preemption)

13. The Complaint, and the purported cause of action alleged therein, is barred by the doctrines of expressed or implied preemption as a result of compliance of the subject medication with all applicable government and industry law and/or standards.

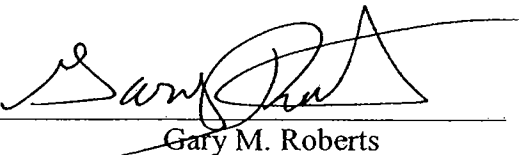
WHEREFORE, Defendant prays for judgment as follows:

1. That Plaintiff takes nothing by his Complaint;
2. That the Complaint be dismissed with prejudice;
3. For cost of suits incurred herein; and
4. For such other and further relief as the Court deems just and equitable.

Dated: November 13, 2009

SONNENSCHN NATH & ROSENTHAL LLP

By


Gary M. Roberts

Attorneys for Defendant Target Corporation

30341500

Exhibit A
Page 22

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PROOF OF SERVICE

I am employed in the County of Los Angeles, State of California, I am over the age of 18 and not a party to the within action. My business address is: 601 So. Figueroa Street, Suite 2500, Los Angeles, CA 90017.

On November 13, 2009, I served the following documents: **DEFENDANT TARGET CORPORATION'S ANSWER TO PLAINTIFF'S COMPLAINT** on each interested party in this action, as follows:

John A. Girardi GIRARDI/KEESE 1126 Wilshire Boulevard Los Angeles, Ca 90017 (213) 977-0211	<i>Attorneys for Plaintiff</i>
--------------------------------------------------------------------------------------------------------	--------------------------------

☐ **PERSONAL SERVICE:** By personally delivering the sealed envelope(s) to the party(ies) at the address(es) listed above, including to a person in charge at the office of the listed attorney, or with respect to party(ies) not represented by counsel, on the named party or a person over the age of 18 years at the listed residence.

☒ **UNITED STATES MAIL:** I placed a true copy of the foregoing document in an envelope addressed to each interested party as set forth above. I sealed each such envelope, and placed same, with postage thereon fully prepaid, for collection and mailing at Sonnenschein Nath & Rosenthal LLP, Los Angeles, California 90017. I am readily familiar with Sonnenschein Nath & Rosenthal's practice for collection and processing of correspondence for mailing with the United States Postal Service. Under that practice, the correspondence would be deposited in the United States Postal Service on that same day in the ordinary course of business.

☐ **OVERNIGHT DELIVERY:** I placed the sealed envelope(s) into packaging provided by the overnight delivery carrier and placed same for collection and overnight delivery at an office or regularly utilized drop box of the overnight delivery carrier.

Exhibit A
Page 23

COPY

SONNENSCHN NATH & ROSENTHAL LLP
601 SOUTH FIGUEROA STREET, SUITE 2500
LOS ANGELES, CALIFORNIA 90017-5704
(213) 623-9300

GARY M. ROBERTS (State Bar No. 132452)
SHIRIN SOLEMAN (State Bar No. 252323)
SONNENSCHN NATH & ROSENTHAL LLP
601 South Figueroa Street, Suite 2500
Los Angeles, California 90017-5704
Telephone: (213) 623-9300
Facsimile: (213) 623-9924

Attorneys for Defendant
Ethex Corporation

CONFORMED COPY
OF ORIGINAL FILED
Los Angeles Superior Court

NOV 23 2009

John A. Clarke, Executive Officer/Clerk
BY MARY GARCIA, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

JULIUS FRIEDMAN, an individual,

Plaintiff,

vs.

ETHEX CORPORATION, a Foreign
Corporation; TARGET CORPORATION, a
Foreign Corporation registered to do
business in California; and DOES 1-25,

Defendants.

No. BC 416693

[Assigned for all purposes to the Honorable
Teresa Sanchez-Gordon]

DEFENDANT ETHEX CORPORATION'S
ANSWER TO PLAINTIFF'S
COMPLAINT

Complaint Filed: June 26, 2009
Trial Date: None Set

Exhibit A

Page 25

1 Defendant Ethex Corporation ("Defendant") states for its answer to Plaintiff Julius
2 Friedman's ("Plaintiff") Complaint as follows:

3 **GENERAL DENIAL**

4 1. Pursuant to California Code of Civil Procedure § 431.30(d), Defendant denies,
5 generally and specifically, each and every allegation in the Complaint that charges or relates to
6 or purports to charge or relate to Defendant, and further expressly denies, generally and
7 specifically, that Plaintiff has been damaged in the sum or sums alleged, or any other sum or
8 sums whatsoever, or at all.

9 2. Defendant further denies that Plaintiff has sustained any injury, damage or loss
10 whatsoever by reason of any conduct, action, error or omission on the part of Defendant.

11 **AFFIRMATIVE AND ADDITIONAL DEFENSES**

12 As and for separate affirmative or additional defenses to the purported cause of action in
13 Plaintiff's Complaint, Defendant states as follows:

14 **FIRST DEFENSE**

15 (Failure to State a Cause of Action)

16 1. The Complaint, and the purported cause of action alleged therein, fails to state facts
17 sufficient to constitute a cause of action against Defendant.

18 **SECOND DEFENSE**

19 (Statute of Limitations)

20 2. The Complaint, and the purported cause of action alleged therein, is barred by
21 applicable statutes of limitations, including, without limitation, California Code of Civil
22 Procedure Sections 335.1, 340.8, and 343.

23 **THIRD DEFENSE**

24 (Laches)

25 3. The purported cause of action alleged in the Complaint is barred by the doctrine of
26 laches.

27 Exhibit A
28 Page 26

FOURTH DEFENSE

(Unclean Hands)

4. The purported cause of action alleged in the Complaint is barred by unclean hands.

FIFTH DEFENSE

(Estoppel)

5. Plaintiff is estopped from asserting the purported cause of action alleged in the Complaint.

SIXTH DEFENSE

(Waiver)

6. Plaintiff has waived the purported cause of action alleged in the Complaint.

SEVENTH DEFENSE

(Misuse)

7. The purported cause of action alleged in the Complaint is barred by Plaintiff's misuse of the product alleged in the Complaint.

EIGHTH DEFENSE

(Failure to Mitigate)

8. Plaintiff has failed to mitigate or reasonably attempt to mitigate damages, if any, as required by law.

NINTH DEFENSE

(Assumption of Risk)

9. Plaintiff freely and voluntarily assumed the risk of injury and damage alleged in the Complaint, with full knowledge and appreciation of the magnitude thereof, which assumption of the risk was a proximate cause of the alleged damage, if any, sustained.

TENTH DEFENSE

(Comparative Fault/Fault of Others)

10. To the extent Plaintiff has been damaged, such damages are the result of conduct, breaches, acts, or omissions of Plaintiff or others and not Defendant.

Exhibit A
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ELEVENTH DEFENSE

(Not Sole Proximate/Legal Cause)

11. Damages allegedly sustained by Plaintiff were the result of an intervening or superseding cause or occurred as a result of the negligence of someone other than Defendant, and thus Defendant was not the sole proximate or legal cause of Plaintiff's alleged loss.

TWELFTH DEFENSE

(No Breach of Duty of Care)

12. Defendant's alleged conduct did not fall below the applicable standard of care.

THIRTEENTH DEFENSE

(Preemption)

13. The Complaint, and the purported cause of action alleged therein, is pre-empted in whole or in part by the Federal Food, Drug & Cosmetic Act ("FDCA") and the regulations promulgated thereunder, the supremacy clause of Article VI of the United States Constitution, and/or federal and/or state laws and regulations governing the labeling, advertising, and sale of prescription pharmaceutical product at issue.

FOURTEENTH DEFENSE

(Conformance with Scientific Knowledge)

14. The Complaint, and the purported cause of action alleged therein, is barred because the product at issue was designed, tested, manufactured and marketed in conformance with the state of the scientific, medical and technological art and knowledge existing at the time of sale.

FIFTEENTH DEFENSE

(Compliance with Law)

15. The Complaint, and the purported cause of action alleged therein, is barred, in whole or in part, because Ethex complied with all applicable statutes and with the requirements and regulations of the Food and Drug Administration.

SONNENSCHIN NATH & ROSENTHAL LLP
601 SOUTH FIGUEROA STREET, SUITE 2500
LOS ANGELES, CALIFORNIA 90017-5704
(213) 623-9300

Exhibit A
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SIXTEENTH DEFENSE

(Open and Obvious Danger)

16. The Complaint, and the purported cause of action alleged therein, is barred because any alleged danger associated with the use of the product at issue was open and obvious.

SEVENTEENTH DEFENSE

(Right to Amend)

17. Ethex hereby gives notice that it intends to rely upon any additional defenses that become available or apparent during the course of discovery, and thus reserves the right to amend its Answer to assert such additional defenses.

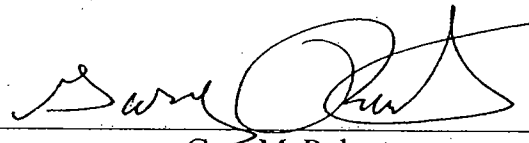
WHEREFORE, Defendant prays for judgment as follows:

1. That Plaintiff takes nothing by his Complaint;
2. That the Complaint be dismissed with prejudice;
3. For cost of suits incurred herein; and
4. For such other and further relief as the Court deems just and equitable.

Dated: November 23, 2009

SONNENSCHN NATH & ROSENTHAL LLP

By



Gary M. Roberts

Attorneys for Defendant Ethex Corporation

SONNENSCHN NATH & ROSENTHAL LLP
601 SOUTH FIGUEROA STREET, SUITE 2500
LOS ANGELES, CALIFORNIA 90017-5704
(213) 623-9300

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PROOF OF SERVICE

I am employed in the County of Los Angeles, State of California, I am over the age of 18 and not a party to the within action. My business address is: 601 So. Figueroa Street, Suite 2500, Los Angeles, CA 90017.

On November 23, 2009, I served the following documents: **DEFENDANT ETHEX CORPORATION'S ANSWER TO PLAINTIFF'S COMPLAINT** on each interested party in this action, as follows:

John A. Girardi
GIRARDI/KEESE
1126 Wilshire Boulevard
Los Angeles, Ca 90017
(213) 977-0211
Attorneys for Plaintiff

☐ **PERSONAL SERVICE:** By personally delivering the sealed envelope(s) to the party(ies) at the address(es) listed above, including to a person in charge at the office of the listed attorney, or with respect to party(ies) not represented by counsel, on the named party or a person over the age of 18 years at the listed residence.

☒ **UNITED STATES MAIL:** I placed a true copy of the foregoing document in an envelope addressed to each interested party as set forth above. I sealed each such envelope, and placed same, with postage thereon fully prepaid, for collection and mailing at Sonnenschein Nath & Rosenthal LLP, Los Angeles, California 90017. I am readily familiar with Sonnenschein Nath & Rosenthal's practice for collection and processing of correspondence for mailing with the United States Postal Service. Under that practice, the correspondence would be deposited in the United States Postal Service on that same day in the ordinary course of business.

☐ **OVERNIGHT DELIVERY:** I placed the sealed envelope(s) into packaging provided by the overnight delivery carrier and placed same for collection and overnight delivery at an office or regularly utilized drop box of the overnight delivery carrier.

Exhibit A
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1 ☐ **FACSIMILE:** After written agreement of the parties, by causing such document
2 to be sent via facsimile transmission to the above-listed facsimile number for such party. No
3 error was reported by the facsimile machine I used, and I caused the machine to print a
4 transmission record of the transmission, a copy of which is attached to this Declaration.

5 ☐ **ELECTRONIC TRANSMISSION:** After written agreement of the parties,
6 causing such document(s) to be sent via the email address listed for such party. I did not
7 receive, within a reasonable time, an electronic message or other indication that the transmission
8 was unsuccessful.

9 I declare under penalty of perjury that the foregoing is true and correct.

10 Executed on November 23, 2009, at Los Angeles, California.

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12 _____
13 Alicia Aguilar
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Exhibit A

Page 31

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Gary M. Roberts (State Bar No. 132452) Sonnenschein Nath & Rosenthal LLP 601 South Figueroa Street, Suite 2500 Los Angeles, CA 90017 TELEPHONE NO.: (213) 623-9300 FAX NO. (Optional): (213) 623-9924 E-MAIL ADDRESS (Optional): groberts@sonnenschein.com ATTORNEY FOR (Name): Defendants Ethex Corporation and Target Corporation	FOR COURT USE ONLY CONFORMED COPY ORIGINAL FILED Superior Court of California County of Los Angeles DEC 29 2009 John A. Clarke, executive Officer/Clerk By <u>GLORIETTA ROBINSON</u> , Deputy
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: CITY AND ZIP CODE: Los Angeles, CA 90012 BRANCH NAME:	
PLAINTIFF/PETITIONER: JULIUS FRIEDMAN DEFENDANT/RESPONDENT: ETHEX CORPORATION, ET AL.	
CASE MANAGEMENT STATEMENT (Check one): <input checked="" type="checkbox"/> UNLIMITED CASE (Amount demanded exceeds \$25,000) <input type="checkbox"/> LIMITED CASE (Amount demanded is \$25,000 or less)	
CASE NUMBER: BC 416693	
A CASE MANAGEMENT CONFERENCE is scheduled as follows: Date: January 13, 2010 Time: 8:30 a.m. Dept.: 74 Div.: Room: Address of court (if different from the address above): <input type="checkbox"/> Notice of Intent to Appear by Telephone, by (name):	

INSTRUCTIONS: All applicable boxes must be checked, and the specified information must be provided.

1. **Party or parties (answer one):**
 - a. ☐ This statement is submitted by party (name):
 - b. ☒ This statement is submitted **jointly** by parties (names): Defendants Ethex Corporation and Target Corporation
2. **Complaint and cross-complaint (to be answered by plaintiffs and cross-complainants only)**
 - a. The complaint was filed on (date):
 - b. ☐ The cross-complaint, if any, was filed on (date):
3. **Service (to be answered by plaintiffs and cross-complainants only)**
 - a. ☐ All parties named in the complaint and cross-complaint have been served, or have appeared, or have been dismissed,
 - b. ☐ The following parties named in the complaint or cross-complaint
 - (1) ☐ have not been served (specify names and explain why not):
 - (2) ☐ have been served but have not appeared and have not been dismissed (specify names):
 - (3) ☐ have had a default entered against them (specify names):
 - c. ☐ The following additional parties may be added (specify names, nature of involvement in case, and the date by which they may be served):
4. **Description of case**
 - a. Type of case in ☒ complaint ☐ cross-complaint (Describe, including causes of action):
 Complaint states one cause of action for negligence.

Exhibit A

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PLAINTIFF/PETITIONER: JULIUS FRIEDMAN

CASE NUMBER:
BC416693

DEFENDANT/RESPONDENT: ETHEX CORPORATION, ET AL.

4. b. Provide a brief statement of the case, including any damages. *(If personal injury damages are sought, specify the injury and damages claimed, including medical expenses to date [indicate source and amount], estimated future medical expenses, lost earnings to date, and estimated future lost earnings. If equitable relief is sought, describe the nature of the relief.)*

Discovery on these subjects was propounded on November 13. No response has been received at this point.

☐ *(If more space is needed, check this box and attach a page designated as Attachment 4b.)*

5. **Jury or nonjury trial**

The party or parties request ☐ a jury trial ☒ a nonjury trial. *(If more than one party, provide the name of each party requesting a jury trial):*

Defendants Ethex and Target do not request a jury trial.

6. **Trial date**

- a. ☐ The trial has been set for (date):
- b. ☐ No trial date has been set. This case will be ready for trial within 12 months of the date of the filing of the complaint *(if not, explain)*: Although filed on June 26, the summons and complaint were not served until late October. Plaintiff has not responded to Target's initial discovery, which further suggests this case may take additional time to resolve.
- c. Dates on which parties or attorneys will not be available for trial *(specify dates and explain reasons for unavailability)*:

7. **Estimated length of trial**

The party or parties estimate that the trial will take *(check one)*:

- a. ☒ days *(specify number)*: 5
- b. ☐ hours *(short causes) (specify)*:

8. **Trial representation (to be answered for each party)**

The party or parties will be represented at trial ☒ by the attorney or party listed in the caption ☐ by the following:

- a. Attorney:
- b. Firm:
- c. Address:
- d. Telephone number:
- e. Fax number:
- f. E-mail address:
- g. Party represented:

☐ Additional representation is described in Attachment 8.

9. **Preference**

☐ This case is entitled to preference *(specify code section)*:

10. **Alternative Dispute Resolution (ADR)**

- a. Counsel ☐ has ☒ has not provided the ADR information package identified in rule 3.221 to the client and has reviewed ADR options with the client. Plaintiff did not serve the ADR package.
- b. ☐ All parties have agreed to a form of ADR. ADR will be completed by (date):
- c. ☐ The case has gone to an ADR process *(indicate status)*:

Exhibit A
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PLAINTIFF/PETITIONER: JULIUS FRIEDMAN	CASE NUMBER: BC416693
DEFENDANT/RESPONDENT: ETHEX CORPORATION, ET AL.	

10. d. The party or parties are willing to participate in (check all that apply):

- (1) ☐ Mediation
- (2) ☐ Nonbinding judicial arbitration under Code of Civil Procedure section 1141.12 (discovery to close 15 days before arbitration under Cal. Rules of Court, rule 3.822)
- (3) ☐ Nonbinding judicial arbitration under Code of Civil Procedure section 1141.12 (discovery to remain open until 30 days before trial; order required under Cal. Rules of Court, rule 3.822)
- (4) ☐ Binding judicial arbitration
- (5) ☐ Binding private arbitration
- (6) ☐ Neutral case evaluation
- (7) ☒ Other (specify): Defendants will seriously consider direct settlement discussions after receipt of meaningful information concerning plaintiff's claim. Other ADR would be premature at this time.

e. ☐ This matter is subject to mandatory judicial arbitration because the amount in controversy does not exceed the statutory limit,

f. ☐ Plaintiff elects to refer this case to judicial arbitration and agrees to limit recovery to the amount specified in Code of Civil Procedure section 1141.11.

g. ☐ This case is exempt from judicial arbitration under rule 3.811 of the California Rules of Court (specify exemption):

11. Settlement conference

☐ The party or parties are willing to participate in an early settlement conference (specify when):

12. Insurance

a. ☐ Insurance carrier, if any, for party filing this statement (name):

b. Reservation of rights: ☐ Yes ☐ No

c. ☐ Coverage issues will significantly affect resolution of this case (explain):

13. Jurisdiction

Indicate any matters that may affect the court's jurisdiction or processing of this case, and describe the status.

☐ Bankruptcy ☐ Other (specify):

Status:

14. Related cases, consolidation, and coordination

a. ☐ There are companion, underlying, or related cases.

(1) Name of case:

(2) Name of court:

(3) Case number:

(4) Status:

☐ Additional cases are described in Attachment 14a.

b. ☐ A motion to ☐ consolidate ☐ coordinate will be filed by (name party):

15. Bifurcation

☐ The party or parties intend to file a motion for an order bifurcating, severing, or coordinating the following issues or causes of action (specify moving party, type of motion, and reasons):

16. Other motions

☐ The party or parties expect to file the following motions before trial (specify moving party, type of motion, and issues):

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PLAINTIFF/PETITIONER: JULIUS FRIEDMAN	CASE NUMBER: BC416693
DEFENDANT/RESPONDENT: ETHEX CORPORATION, ET AL.	

17. Discovery

- a. ☐ The party or parties have completed all discovery.
- b. ☒ The following discovery will be completed by the date specified (*describe all anticipated discovery*):

Party	Description	Date
Defendants	Written Discovery	October 2010
Defendants	Oral Discovery	December 2010
Defendants	Expert Discovery	February 2011

- c. ☒ The following discovery issues are anticipated (*specify*): Motions to enforce discovery may be necessary.

18. Economic litigation

- a. ☐ This is a limited civil case (i.e., the amount demanded is \$25,000 or less) and the economic litigation procedures in Code of Civil Procedure sections 90 through 98 will apply to this case.
- b. ☐ This is a limited civil case and a motion to withdraw the case from the economic litigation procedures or for additional discovery will be filed (*if checked, explain specifically why economic litigation procedures relating to discovery or trial should not apply to this case*):

19. Other issues

- ☐ The party or parties request that the following additional matters be considered or determined at the case management conference (*specify*):

20. Meet and confer

- a. ☐ The party or parties have met and conferred with all parties on all subjects required by rule 3.724 of the California Rules of Court (*if not, explain*):
Counsel for defendants called counsel for plaintiff on November 24, 2009 and left a message. Counsel for defendants has not received a return call.
- b. After meeting and conferring as required by rule 3.724 of the California Rules of Court, the parties agree on the following (*specify*):

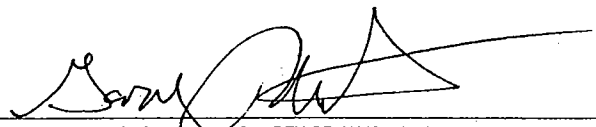
21. Total number of pages attached (*if any*): _____

I am completely familiar with this case and will be fully prepared to discuss the status of discovery and ADR, as well as other issues raised by this statement, and will possess the authority to enter into stipulations on these issues at the time of the case management conference, including the written authority of the party where required.

Date: December 29, 2009.

Gary M. Roberts

(TYPE OR PRINT NAME)

▶ 
(SIGNATURE OF PARTY OR ATTORNEY)

▶ _____
(SIGNATURE OF PARTY OR ATTORNEY)

- ☐ Additional signatures are attached.

PROOF OF SERVICE

I am employed in the County of Los Angeles, State of California, I am over the age of 18 and not a party to the within action. My business address is: 601 So. Figueroa Street, Suite 2500, Los Angeles, CA 90017.

On December 29, 2009, I served the following documents: **CASE MANAGEMENT STATEMENT** on each interested party in this action, as follows:

John A. Girardi *Attorneys for Plaintiff*
GIRARDI/KEESE
1126 Wilshire Boulevard
Los Angeles, Ca 90017
(213) 977-0211

☐ **PERSONAL SERVICE:** By personally delivering the sealed envelope(s) to the party(ies) at the address(es) listed above, including to a person in charge at the office of the listed attorney, or with respect to party(ies) not represented by counsel, on the named party or a person over the age of 18 years at the listed residence.

☒ **UNITED STATES MAIL:** I placed a true copy of the foregoing document in an envelope addressed to each interested party as set forth above. I sealed each such envelope, and placed same, with postage thereon fully prepaid, for collection and mailing at Sonnenschein Nath & Rosenthal LLP, Los Angeles, California 90017. I am readily familiar with Sonnenschein Nath & Rosenthal's practice for collection and processing of correspondence for mailing with the United States Postal Service. Under that practice, the correspondence would be deposited in the United States Postal Service on that same day in the ordinary course of business.

☐ **OVERNIGHT DELIVERY:** I placed the sealed envelope(s) into packaging provided by the overnight delivery carrier and placed same for collection and overnight delivery at an office or regularly utilized drop box of the overnight delivery carrier.

☐ **FACSIMILE:** After written agreement of the parties, by causing such document to be sent via facsimile transmission to the above-listed facsimile number for such party. No

1 error was reported by the facsimile machine I used, and I caused the machine to print a
2 transmission record of the transmission, a copy of which is attached to this Declaration.

3 ☐ **ELECTRONIC TRANSMISSION:** After written agreement of the parties,
4 causing such document(s) to be sent via the email address listed for such party. I did not
5 receive, within a reasonable time, an electronic message or other indication that the transmission
6 was unsuccessful.

7 I declare under penalty of perjury that the foregoing is true and correct.

8 Executed on December 29, 2009, at Los Angeles, California.

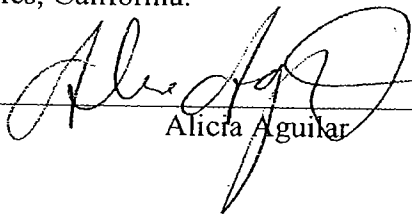
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11 Alicia Aguilar
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Exhibit A

Page 37

INSTRUCTIONS: All applicable boxes must be checked, and the specified information must be provided.

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Page 1 of 4

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PLAINTIFF/PETITIONER: JULIUS FRIEDMAN, an individual, DEFENDANT/RESPONDENT: ETHEX CORPORATION	CASE NUMBER: BC416693
--------------------------------------------------------------------------------------------------	--------------------------

4. b. Provide a brief statement of the case, including any damages. (If personal injury damages are sought, specify the injury and damages claimed, including medical expenses to date [indicate source and amount], estimated future medical expenses, lost earnings to date, and estimated future lost earnings. If equitable relief is sought, describe the nature of the relief.)

The plaintiff consumed generic heart medication Isosorbide Mono. The medication inadvertently contained levels of active ingredients beyond recommended dosages. This defect in the drug was later the subject of an FDA advisory. The plaintiff subsequently was hospitalized for cardiac complaints on two occasions with long term consequence of compromise heart failure. Medical expenses are in excess of \$25,000. with loss of business opportunities in excess of \$100,000.

☐ (If more space is needed, check this box and attach a page designated as Attachment 4b.)

5. **Jury or nonjury trial**

The party or parties request ☒ a jury trial ☐ a nonjury trial. (If more than one party, provide the name of each party requesting a jury trial):

6. **Trial date**

- a. ☐ The trial has been set for (date):
- b. ☒ No trial date has been set. This case will be ready for trial within 12 months of the date of the filing of the complaint (if not, explain):
- c. Dates on which parties or attorneys will not be available for trial (specify dates and explain reasons for unavailability):

7. **Estimated length of trial**

The party or parties estimate that the trial will take (check one):

- a. ☒ days (specify number): 10 days
- b. ☐ hours (short causes) (specify):

8. **Trial representation (to be answered for each party)**

The party or parties will be represented at trial ☒ by the attorney or party listed in the caption ☒ by the following:

- a. Attorney: Shawn McCann
- b. Firm: Girardi Keese
- c. Address: 1126 Wilshire Boulevard Los Angeles, CA 90017
- d. Telephone number: 213/977-0211
- e. Fax number: 213/481-1554
- f. E-mail address:
- g. Party represented: Plaintiff

☐ Additional representation is described in Attachment 8.

9. **Preference**

☐ This case is entitled to preference (specify code section):

10. **Alternative Dispute Resolution (ADR)**

- a. Counsel ☒ has ☐ has not provided the ADR information package identified in rule 3.221 to the client and has reviewed ADR options with the client.
- b. ☐ All parties have agreed to a form of ADR. ADR will be completed by (date):
- c. ☐ The case has gone to an ADR process (indicate status):

Exhibit A
Page 39

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PLAINTIFF/PETITIONER: JULIUS FRIEDMAN, an individual, DEFENDANT/RESPONDENT: ETHEX CORPORATION	CASE NUMBER: BC416693
--------------------------------------------------------------------------------------------------	--------------------------

10. d. The party or parties are willing to participate in (check all that apply):

- (1) ☒ Mediation
 (2) ☐ Nonbinding judicial arbitration under Code of Civil Procedure section 1141.12 (discovery to close 15 days before arbitration under Cal. Rules of Court, rule 3.822)
 (3) ☐ Nonbinding judicial arbitration under Code of Civil Procedure section 1141.12 (discovery to remain open until 30 days before trial; order required under Cal. Rules of Court, rule 3.822)
 (4) ☐ Binding judicial arbitration
 (5) ☐ Binding private arbitration
 (6) ☐ Neutral case evaluation
 (7) ☐ Other (specify):

e. ☐ This matter is subject to mandatory judicial arbitration because the amount in controversy does not exceed the statutory limit.

f. ☐ Plaintiff elects to refer this case to judicial arbitration and agrees to limit recovery to the amount specified in Code of Civil Procedure section 1141.11.

g. ☐ This case is exempt from judicial arbitration under rule 3.811 of the California Rules of Court (specify exemption):

11. Settlement conference

☐ The party or parties are willing to participate in an early settlement conference (specify when):

12. Insurance

- a. ☐ Insurance carrier, if any, for party filing this statement (name):
 b. Reservation of rights: ☐ Yes ☐ No
 c. ☐ Coverage issues will significantly affect resolution of this case (explain):

13. Jurisdiction

Indicate any matters that may affect the court's jurisdiction or processing of this case, and describe the status.

☐ Bankruptcy ☐ Other (specify):

Status:

14. Related cases, consolidation, and coordination

- a. ☐ There are companion, underlying, or related cases.
 (1) Name of case:
 (2) Name of court:
 (3) Case number:
 (4) Status:
☐ Additional cases are described in Attachment 14a.
 b. ☐ A motion to ☐ consolidate ☐ coordinate will be filed by (name party):

15. Bifurcation

☐ The party or parties intend to file a motion for an order bifurcating, severing, or coordinating the following issues or causes of action (specify moving party, type of motion, and reasons):

16. Other motions

☐ The party or parties expect to file the following motions before trial (specify moving party, type of motion, and issues):

Exhibit A
 Page 40

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PLAINTIFF/PETITIONER: JULIUS FRIEDMAN, an individual,	CASE NUMBER:
DEFENDANT/RESPONDENT: ETHEX CORPORATION	BC416693

17. Discovery

- a. ☐ The party or parties have completed all discovery.
- b. ☒ The following discovery will be completed by the date specified (*describe all anticipated discovery*):

<u>Party</u>	<u>Description</u>	<u>Date</u>
Plaintiff	written discovery	03/31/2010
Plaintiff	depositions of defendants' person's most knowledgeable	06/30/2010

- c. ☐ The following discovery issues are anticipated (*specify*):

18. Economic Litigation

- a. ☐ This is a limited civil case (i.e., the amount demanded is \$25,000 or less) and the economic litigation procedures in Code of Civil Procedure sections 90 through 98 will apply to this case.
- b. ☐ This is a limited civil case and a motion to withdraw the case from the economic litigation procedures or for additional discovery will be filed (*if checked, explain specifically why economic litigation procedures relating to discovery or trial should not apply to this case*):

19. Other issues

- ☐ The party or parties request that the following additional matters be considered or determined at the case management conference (*specify*):

20. Meet and confer

- a. ☐ The party or parties have met and conferred with all parties on all subjects required by rule 3.724 of the California Rules of Court (*if not, explain*):
- b. After meeting and conferring as required by rule 3.724 of the California Rules of Court, the parties agree on the following (*specify*):

21. Total number of pages attached (*if any*): _____

I am completely familiar with this case and will be fully prepared to discuss the status of discovery and ADR, as well as other issues raised by this statement, and will possess the authority to enter into stipulations on these issues at the time of the case management conference, including the written authority of the party where required.

Date: January 12, 2009

John A. Girardi, Esquire
(TYPE OR PRINT NAME)

▶ John A. Girardi
(SIGNATURE OF PARTY OR ATTORNEY)

(TYPE OR PRINT NAME)

▶ _____
(SIGNATURE OF PARTY OR ATTORNEY)

☐ Additional signatures are attached.

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 1126 Wilshire Boulevard, Los Angeles, California 90017.

On January 12, 2010, I served the foregoing document described as: CASE MANAGEMENT STATEMENT, on interested parties in this action by placing a true and correct copy thereof, enclosed in a sealed envelope addressed as follows:

PLEASE SEE ATTACHED MAILING LIST

☒ (BY MAIL)

☐ I deposited such envelope in the mail at Los Angeles, California. The envelope was mailed with postage thereon fully prepaid.

☒ As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice, it would be deposited with U.S. Postal Service on that day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

Executed on January 12, 2010, at Los Angeles, California.

☒ (BY FAX)

Executed on January 12, 2010, at Los Angeles, California.

☐ (BY PERSONAL SERVICE) I delivered such envelope by hand to the office of the addressee.

Executed on _____ at Los Angeles, California.

☒ (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☐ (FEDERAL) I declare that I am employed in the office of a member of the bar of this court at those direction the service was made.


LINDA CASTRO

Exhibit A
Page 42

1 PROOF OF SERVICE MAILING LIST JANUARY 2010
2 FRIEDMAN V. ETHEX CORPORATION
3

4 Gary M. Roberts, Esquire
5 Sonnenschein, Nath & Rosenthal, LLP
6 601 South Figueroa Street, Suite 2500
7 Los Angeles California 90017
8 213/623-9300
9 213/623-9924 Fax

10 Attorneys for Defendants: Ethex Corporation; Target Corporation
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EXHIBIT B

1 GARY M. ROBERTS (State Bar No. 132452)
groberts@sonnenschein.com
2 SHIRIN SOLEMAN (State Bar No. 252323)
ssoleman@sonnenschein.com
3 SONNENSCHN NATH & ROSENTHAL LLP
601 South Figueroa Street, Suite 2500
4 Los Angeles, California 90017-5704
Telephone: (213) 623-9300
5 Facsimile: (213) 623-9924

6 Attorneys for Defendants
ETHEX Corporation and
7 Target Corporation
8

9 UNITED STATES DISTRICT COURT
10 CENTRAL DISTRICT OF CALIFORNIA
11

12 JULIUS FRIEDMAN, an individual,
13 Plaintiff,
14 vs.
15 ETHEX CORPORATION, a Foreign
Corporation; TARGET
16 CORPORATION, a Foreign
Corporation registered to do business
17 in California; and DOES 1-25,
18 Defendants.
19

No.

DECLARATION OF SHIRIN M.
SOLEMAN IN SUPPORT OF
DEFENDANTS ETHEX
CORPORATION AND TARGET
CORPORATION'S NOTICE OF
REMOVAL

SONNENSCHN NATH & ROSENTHAL LLP
601 SOUTH FIGUEROA STREET, SUITE 2500
LOS ANGELES, CALIFORNIA 90017-5704
(213) 623-9300

19
44

DECLARATION OF SHIRIN M. SOLEMAN

I, Shirin M. Soleman, hereby declare as follows:

1. I am an associate in the law firm Sonnenschein Nath & Rosenthal LLP, counsel of record for Defendants ETHEX Corporation and Target Corporation. I have personal knowledge of the facts stated herein and make this Declaration in support of Defendants' Notice of Removal. If called upon to testify as a witness, I could and would testify to those facts, under oath.

2. On January 12, 2010 counsel for Plaintiff Julius Friedman served counsel for Defendants ETHEX Corporation and Target Corporation with a Case Management Statement. A true and correct copy of this Case Management Statement is attached hereto as Exhibit 1.

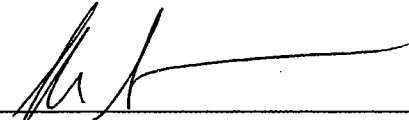
3. On February 3, 2010, counsel for Plaintiff Julius Friedman served counsel for Defendant ETHEX Corporation and Target Corporation with Plaintiff's Response to Defendant Target Corporation's Request for Admissions. A true and correct copy of Plaintiff's Response to Request for Admissions is attached hereto as Exhibit 2.

4. I have reviewed the Hoover's report for ETHEX Corporation, which indicates that ETHEX Corporation's headquarters and principal place of business is in Missouri. A true and correct copy of this Hoover's report is attached hereto as Exhibit 3.

5. I have reviewed the Hoover's report for Target Corporation, which indicates that Target Corporation's headquarters and principle place of business is in Minnesota. A true and correct copy of this Hoover's report is attached hereto as Exhibit 4.

SONNENSCHN NATH & ROSENTHAL LLP
601 SOUTH FIGUEROA STREET, SUITE 2500
LOS ANGELES, CALIFORNIA 90017-5704
(213) 623-9300

1 I declare under penalty of perjury under the laws of the State of California
2 that the foregoing is true and correct. Executed in Los Angeles, California on
3 February 11, 2010.

4
5 
6 Shirin M. Soleman

7 30343290

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SONNENSCHN NATH & ROSENTHAL LLP
601 SOUTH FIGUEROA STREET, SUITE 2500
LOS ANGELES, CALIFORNIA 90017-5704
(213) 623-9300

EXHIBIT 1

GIRARDI | KEESE
LAWYERS

FACSIMILE COVER SHEET

DATE: January 12, 2010

TOTAL PAGES: 7

TO: Gary M. Roberts, Esquire
Fax: 623-9924

FROM: John Girardi, Esquire
Girardi & Keese
1126 Wilshire Boulevard
Los Angeles, CA 90017-1904
Tel: (213) 977-0211
Fax: (213) 481-1554

RE: Friedman v. Ethex Copr.

REMARKS

PLEASE SEE ATTACHED.

CONFIDENTIALITY

This facsimile transmission and the documents accompanying it contain information from this law firm that is confidential and privileged. This transmission is intended solely for the use of the recipient(s) named on this cover sheet. If you are not the intended recipient(s), be advised that any disclosure, copying, distribution or use of the contents of this facsimile and the documents accompanying it is prohibited. If you have received this transmission in error, please notify us immediately so that we can arrange for the retrieval of the original documents at no cost to you.

B
47

FOR COURT USE ONLY

INSTRUCTIONS: All applicable boxes must be checked, and the specified information must be provided.

- Page 1 of 4

CM-110

PLAINTIFF/PETITIONER: JULIUS FRIEDMAN, an individual, DEFENDANT/RESPONDENT: ETHEX CORPORATION	CASE NUMBER: BC416693
--------------------------------------------------------------------------------------------------	--------------------------

4. b. Provide a brief statement of the case, including any damages. (If personal injury damages are sought, specify the injury and damages claimed, including medical expenses to date [indicate source and amount], estimated future medical expenses, lost earnings to date, and estimated future lost earnings. If equitable relief is sought, describe the nature of the relief.)
The plaintiff consumed generic heart medication Isosorbide Mono. The medication inadvertently contained levels of active ingredients beyond recommended dosages. This defect in the drug was later the subject of an FDA advisory. The plaintiff subsequently was hospitalized for cardiac complaints on two occasions with long term consequence of compromise heart failure. Medical expenses are in excess of \$25,000. with loss of business opportunities in excess of \$100,000.

☐ (If more space is needed, check this box and attach a page designated as Attachment 4b.)

5. Jury or nonjury trial

The party or parties request ☒ a jury trial ☐ a nonjury trial. (If more than one party, provide the name of each party requesting a jury trial):

6. Trial date

- a. ☐ The trial has been set for (date):
b. ☒ No trial date has been set. This case will be ready for trial within 12 months of the date of the filing of the complaint (if not, explain):
c. Dates on which parties or attorneys will not be available for trial (specify dates and explain reasons for unavailability):

7. Estimated length of trial

The party or parties estimate that the trial will take (check one):

- a. ☒ days (specify number): 10 days
b. ☐ hours (short causes) (specify):

8. Trial representation (to be answered for each party)

The party or parties will be represented at trial ☒ by the attorney or party listed in the caption ☐ by the following:

- a. Attorney: Shawn McCann
b. Firm: Girardi Keese
c. Address: 1126 Wilshire Boulevard Los Angeles, CA 90017
d. Telephone number: 213/977-0211
e. Fax number: 213/481-1554
f. E-mail address:
g. Party represented: Plaintiff

☐ Additional representation is described in Attachment 8.

9. Preference

☐ This case is entitled to preference (specify code section):

10. Alternative Dispute Resolution (ADR)

- a. Counsel ☒ has ☐ has not provided the ADR information package identified in rule 3.221 to the client and has reviewed ADR options with the client.
b. ☐ All parties have agreed to a form of ADR. ADR will be completed by (date):
c. ☐ The case has gone to an ADR process (Indicate status):

CM-110

PLAINTIFF/PETITIONER: JULIUS FRIEDMAN, an individual,	CASE NUMBER:
DEFENDANT/RESPONDENT: ETHEX CORPORATION	BC416693

10. d. The party or parties are willing to participate in (check all that apply):

- (1) ☒ Mediation
- (2) ☐ Nonbinding judicial arbitration under Code of Civil Procedure section 1141.12 (discovery to close 15 days before arbitration under Cal. Rules of Court, rule 3.822)
- (3) ☐ Nonbinding judicial arbitration under Code of Civil Procedure section 1141.12 (discovery to remain open until 30 days before trial; order required under Cal. Rules of Court, rule 3.822)
- (4) ☐ Binding judicial arbitration
- (5) ☐ Binding private arbitration
- (6) ☐ Neutral case evaluation
- (7) ☐ Other (specify):

- e. ☐ This matter is subject to mandatory judicial arbitration because the amount in controversy does not exceed the statutory limit.
- f. ☐ Plaintiff elects to refer this case to judicial arbitration and agrees to limit recovery to the amount specified in Code of Civil Procedure section 1141.11.
- g. ☐ This case is exempt from judicial arbitration under rule 3.811 of the California Rules of Court (specify exemption):

11. Settlement conference

- ☐ The party or parties are willing to participate in an early settlement conference (specify when):

12. Insurance

- a. ☐ Insurance carrier, if any, for party filing this statement (name):
- b. Reservation of rights: ☐ Yes ☐ No
- c. ☐ Coverage issues will significantly affect resolution of this case (explain):

13. Jurisdiction

Indicate any matters that may affect the court's jurisdiction or processing of this case, and describe the status.

- ☐ Bankruptcy ☐ Other (specify):

Status:

14. Related cases, consolidation, and coordination

- a. ☐ There are companion, underlying, or related cases.
- (1) Name of case:
- (2) Name of court:
- (3) Case number:
- (4) Status:
- ☐ Additional cases are described in Attachment 14a.
- b. ☐ A motion to ☐ consolidate ☐ coordinate will be filed by (name party):

15. Bifurcation

- ☐ The party or parties intend to file a motion for an order bifurcating, severing, or coordinating the following issues or causes of action (specify moving party, type of motion, and reasons):

16. Other motions

- ☐ The party or parties expect to file the following motions before trial (specify moving party, type of motion, and issues):

CM-110

PLAINTIFF/PETITIONER: JULIUS FRIEDMAN, an individual, DEFENDANT/RESPONDENT: ETHEX CORPORATION	CASE NUMBER: BC416693
--------------------------------------------------------------------------------------------------	--------------------------

17. Discovery

- a. ☐ The party or parties have completed all discovery.
b. ☒ The following discovery will be completed by the date specified (describe all anticipated discovery):

Party	Description	Date
Plaintiff	written discovery	03/31/2010
Plaintiff	depositions of defendants' person's most knowledgeable	06/30/2010

- c. ☐ The following discovery issues are anticipated (specify):

18. Economic Litigation

- a. ☐ This is a limited civil case (i.e., the amount demanded is \$25,000 or less) and the economic litigation procedures in Code of Civil Procedure sections 90 through 98 will apply to this case.
b. ☐ This is a limited civil case and a motion to withdraw the case from the economic litigation procedures or for additional discovery will be filed (if checked, explain specifically why economic litigation procedures relating to discovery or trial should not apply to this case):

19. Other Issues

- ☐ The party or parties request that the following additional matters be considered or determined at the case management conference (specify):

20. Meet and confer

- a. ☐ The party or parties have met and conferred with all parties on all subjects required by rule 3.724 of the California Rules of Court (if not, explain):
b. After meeting and conferring as required by rule 3.724 of the California Rules of Court, the parties agree on the following (specify):

21. Total number of pages attached (if any): _____

I am completely familiar with this case and will be fully prepared to discuss the status of discovery and ADR, as well as other issues raised by this statement, and will possess the authority to enter into stipulations on these issues at the time of the case management conference, including the written authority of the party where required.

Date: January 12, 2009

John A. Girardi, Esquire
(TYPE OR PRINT NAME)


(SIGNATURE OF PARTY OR ATTORNEY)

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY)

☐ Additional signatures are attached.

PROOF OF SERVICE**STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 1126 Wilshire Boulevard, Los Angeles, California 90017.

On January 12, 2010, I served the foregoing document described as: CASE MANAGEMENT STATEMENT, on interested parties in this action by placing a true and correct copy thereof, enclosed in a sealed envelope addressed as follows:

PLEASE SEE ATTACHED MAILING LIST

☒ (BY MAIL)

☐ I deposited such envelope in the mail at Los Angeles, California. The envelope was mailed with postage thereon fully prepaid.

☒ As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice, it would be deposited with U.S. Postal Service on that day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

Executed on January 12, 2010, at Los Angeles, California.

☒ (BY FAX)

Executed on January 12, 2010, at Los Angeles, California.

☐ (BY PERSONAL SERVICE) I delivered such envelope by hand to the office of the addressee.

Executed on _____ at Los Angeles, California.

☒ (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☐ (FEDERAL) I declare that I am employed in the office of a member of the bar of this court at those direction the service was made.


LINDA CASTRO

00274454

CASE MANAGEMENT CONFERENCE

1 PROOF OF SERVICE MAILING LIST JANUARY 2010
2 FRIEDMAN V. ETHEX CORPORATION

3
4 Gary M. Roberts, Esquire
5 Sonnenschein, Nath & Rosenthal, LLP
6 601 South Figueroa Street, Suite 2500
7 Los Angeles California 90017
8 213/623-9300
9 213/623-9924 Fax

10 Attorneys for Defendants: Ethex Corporation; Target Corporation
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00274454

Exhibit B

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EXHIBIT 2

GIRARDI | KEESE

John A. Girardi – Bar No. 54917
1126 Wilshire Boulevard
Los Angeles, California 90017
(213) 977-0211

Attorneys For: Plaintiffs

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

JULIUS FRIEDMAN, an individual,

Plaintiff,

vs.

ETHEX CORPORATION, a Foreign
Corporation; TARGET
CORPORATION, a Foreign
Corporation registered to do business in
California; and DOES 1-25,

Defendants.

CASE NO. BC416693

**PLAINTIFF JULIUS FRIEDMAN'S
RESPONSE TO REQUEST FOR
ADMISSIONS**

SET NUMBER: ONE

1 PROPOUNDING PARTY: DEFENDANT, TARGET CORPORTATION

2 RESPONDING PARTY: PLAINTIFF, JULIUS FRIEDMAN

3 SET NUMBER: ONE

4
5 Plaintiff, JULIUS FRIEDMAN, ("Plaintiff"), hereby responds to the defendant, TARGET
6 CORPORATION ("Defendant") Request for Admissions, Set One.

7
8 **PRELIMINARY STATEMENT**

9 The responding party has not fully completed investigation of the facts, discovery, or trial preparation
10 relating to this case. The only bases of responses contained herein are information and documents presently
11 available to and specifically known to the responding party. The responding party anticipates that further
12 discovery, independent investigation, legal research, and analysis will supply additional facts, add meaning to
13 known facts, and establish entirely new factual conclusions and legal contentions. Additional information
14 obtained may lead to substantial additions, changes or variations from the contentions set forth in these
15 responses. The following interrogatory responses are given without prejudice to the responding party's right to
16 produce evidence or facts subsequently obtained. If further investigation reveals additional information,
17 responding party reserves the right to change any responses to the Request for Admissions, Set One. The
18 responses herein are made in good faith to supply as much specific, factual information that is presently known
19 by responding party. Responding party repudiates any prejudices resulting from these responses in relation to
20 further discovery.
21
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23 **RESPONSE TO REQUEST FOR ADMISSIONS**

24
25 **REQUEST FOR ADMISSION 1:**

26 Admit that YOU (as used in these Requests for Admissions, "YOU" and "YOUR" shall mean
27 Plaintiff Julius Friedman, including , but not limited to, any persons acting or purporting to act on his
28 behalf) are resident citizen of the state of California.

1 **RESPONSE TO REQUEST FOR ADMISSION 1:**

2 Admit.

3 **REQUEST FOR ADMISSION 2:**

4 Admit that YOU are seeking damages in YOUR Complaint of no more than \$75,000, exclusive of
5 interest and costs.

6 **RESPONSE TO REQUEST FOR ADMISSION 2:**

7 Deny.

8 **REQUEST FOR ADMISSION 3:**

9 Admit that YOUR total damages in this case, including all compensatory, general and special
10 damages, against Defendants Target Corporation and Ethex Corporation are no more than \$75,000,
11 exclusive of interests and costs.

12 **RESPONSE TO REQUEST FOR ADMISSION 3:**

13 Deny.

14 **REQUEST FOR ADMISSION 4:**

15 Admit that YOU will not ask a jury or the trier of fact in this case for more than \$75,000, exclusive
16 of interests and costs.

17 **RESPONSE TO REQUEST FOR ADMISSION 4:**

18 Deny.

19
20 DATED: February 2, 2010

GIRARDI | KEESE

21
22
23
24 By: John A. Girardi

25 JOHN A. GIRARDI
26 Attorney for Plaintiff
27
28

VERIFICATION

STATE OF CALIFORNIA, COUNTY OF

I have read the foregoing _____

_____ and know its contents.

☐ CHECK APPLICABLE PARAGRAPHS☐ I am a party to this action. The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.☐ I am ☐ an Officer ☐ a partner _____ ☐ a _____ of _____a party to this action, and am authorized to make this verification for and on its behalf, and I make this verification for that reason. ☐ I am informed and believe and on that ground allege that the matters stated in the foregoing document are true. ☐ The matters stated in the foregoing document are true of my own knowledge, except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.☐ I am one of the attorneys for _____ a party to this action. Such party is absent from the county of aforesaid where such attorneys have their offices, and I make this verification for and on behalf of that party for that reason. I am informed and believe and on that ground allege that the matters stated in the foregoing document are true.

Executed on _____, at _____, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

JULIUS FRIEDMAN

Type or Print Name

PROOF OF SERVICE

1013a (3) CCP Revised 5/1/88

Signature

STATE OF CALIFORNIA, COUNTY OF

I am employed in the county of _____, State of California.

I am over the age of 18 and not a party to the within action; my business address is: _____

On, _____ I served the foregoing document described as _____

_____ on _____ in this action

☐ by placing the true copies thereof enclosed in sealed envelopes addressed as stated on the attached mailing list:☐ by placing ☐ the original ☐ a true copy thereof enclosed in sealed envelopes addressed as follows:☐ BY MAIL☐ *I deposited such envelope in the mail at _____, California.

The envelope was mailed with postage thereon fully prepaid.

☐ As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at _____ California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

Executed on _____, at _____, California.

☐ *(BY PERSONAL SERVICE) I delivered such envelope by hand to the offices of the addressee.

Executed on _____, at _____, California.

☐ (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.☐ (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Type or Print Name

Signature

Page 57

*(BY MAIL SIGNATURE MUST BE OF PERSON DEPOSITING ENVELOPE IN MAIL SLOT, BOX, OR BAG)

*(FOR PERSONAL SERVICE SIGNATURE MUST BE THAT OF MESSENGER)

Legal
Solutions
& Plus

Rev. 7/99

PROOF OF SERVICE

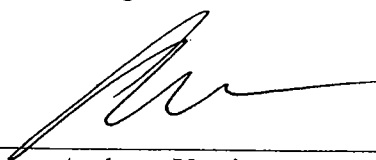
STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 1126 Wilshire Boulevard, Los Angeles, California 90017.

On February 3, 2010, I served the foregoing documents described as **PLAINTIFF JULIUS FRIEDMAN'S RESPONSES TO REQUEST FOR ADMISSIONS, SET ONE** on all interested parties in this action as set forth on the attached service list in the following manner:

- ☐ **BY MAIL:** I am familiar with this firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.
- ☐ **BY FACSIMILE:** In addition to service by mail as set forth above, a copy of said document(s) was also delivered by facsimile transmission to the addressee(s) pursuant to Code of Civil Procedure §1013(e).
- ☐ **BY OVERNIGHT MAIL:** I caused said document(s) to be picked up by an overnight delivery service company for delivery to the addressee(s) on the next business day.
- ☒ **BY PERSONAL SERVICE:** By causing personal delivery of the document listed above to the person at the address set forth on the attached service list.
- ☐ **BY ELECTRONIC SERVICE:** Pursuant to Court Order, I caused the above document to be sent to the listed addressee(s) in the attached service list via Verilaw e-serve.
- ☐ **STATE** I declare under penalty of perjury under the laws of the State of California that the above is true and correct.
- ☐ **FEDERAL** I declare that I am employed in the office of the member of the bar of this court at whose direction the service was made.

Executed on February 3, 2010, at Los Angeles, California.



Andreas Verrios

1 PROOF OF SERVICE MAILING LIST JANUARY 2010
2 FRIEDMAN V. ETHEX CORPORATION

3 Gary M. Roberts, Esquire
4 Sonnenschein, Nath & Rosenthal, LLP
5 601 South Figueroa Street, Suite 2500
6 Los Angeles California 90017
7 213/623-9300
8 213/623-9924 Fax

9 Attorneys for Defendants: Ethex Corporation; Target Corporation
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Exhibit B

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EXHIBIT 3

HOOVERS™

A D&B COMPANY

The Fastest Path to Business

COMPANIES ■ INDUSTRIES ■ PEOPLE



Ethex Corporation Profile

1 Corporate Woods Dr
Bridgeton, MO 63044-3807 United States ([Map](#))

Phone: 314-646-3750
www.ethexcorp.com

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WELCOME

Hoover's is the business information resource that delivers a unique combination of up-to-date data, broad coverage, and comprehensive information about companies, decision makers, and industries - along with powerful tools to put this information to work for your business. Hoover's offers everything you need to successfully:

- * Identify and evaluate potential sales leads, markets, and business partners
- * Deepen relationships with current customers
- * Assess competitive risks and eliminate threats
- * Build presentation-ready reports and customized lists of companies, industries, and decision makers

Unlike other business information providers, only Hoover's has a full-time, in-house editorial and research team dedicated wholly to investigating, pinpointing, authenticating, and analyzing data to provide the most comprehensive, up-to-date information available on companies, industries, and executives.

The Basics

1 Corporate Woods Dr
Bridgeton, MO 63044-3807 United States ([Map](#))

Phone: 314-646-3750
www.ethexcorp.com

KEY INFORMATION

DUNS Number	615424686
Company Type	Public
Location Type	Headquarters
Year of Founding or Change In Control	1990
State of Incorporation	MO

KEY NUMBERS

Total Employees	39
Employees At This Location	30

KEY PEOPLE

Catherine Biffignani	Vice-President
Paul Boersig	Manager
Laura Callahan	Manager; Associate
Debbie Janiga	Administrative Assistant
Gerald R Mitchell	Vice-President

Officers and Employees

CORPORATE OFFICERS

Title	Name	Age	Salary	Bonus
Vice-President	Ms Catherine Biffignani	-		
Manager	Mr Paul Boersig	-		
Manager; Associate	Ms Laura Callahan	-		
Administrative Assistant	Ms Debbie Janiga	-		
Vice-President	Mr Gerald R Mitchell	-		
Manager	Mr Lew Soars	-		
President	Ms Patricia McColough	-		
Treasurer	Mr Rich Chibnall	-		
Sales Manager	Mr Thomas Henry	-		
Sales Manager	Mr Mike Lupo	-		
Sales Manager	Mr Jon Swanson	-		

BOARD MEMBERS

Exhibit BPage 63

Other Resources Available on Hoovers Online

[Map of Headquarters](#)

[Industry Watch](#)

[News and Press Releases for \(last 90 days\)](#)

[Financial Data Definitions](#)

[Market Data Definitions](#)

[Comparison Data Definitions](#)

[Historical Financials & Employees Definitions](#)

The Rich Register

Featuring information on 4,700 individuals with a net worth greater than \$25 million, The Rich Register is available in both hardcover and CD-ROM format.

[Learn More](#)

Build Lead Lists



Use Hoover's [Lead Finder](#) to create prospect and contact lists.

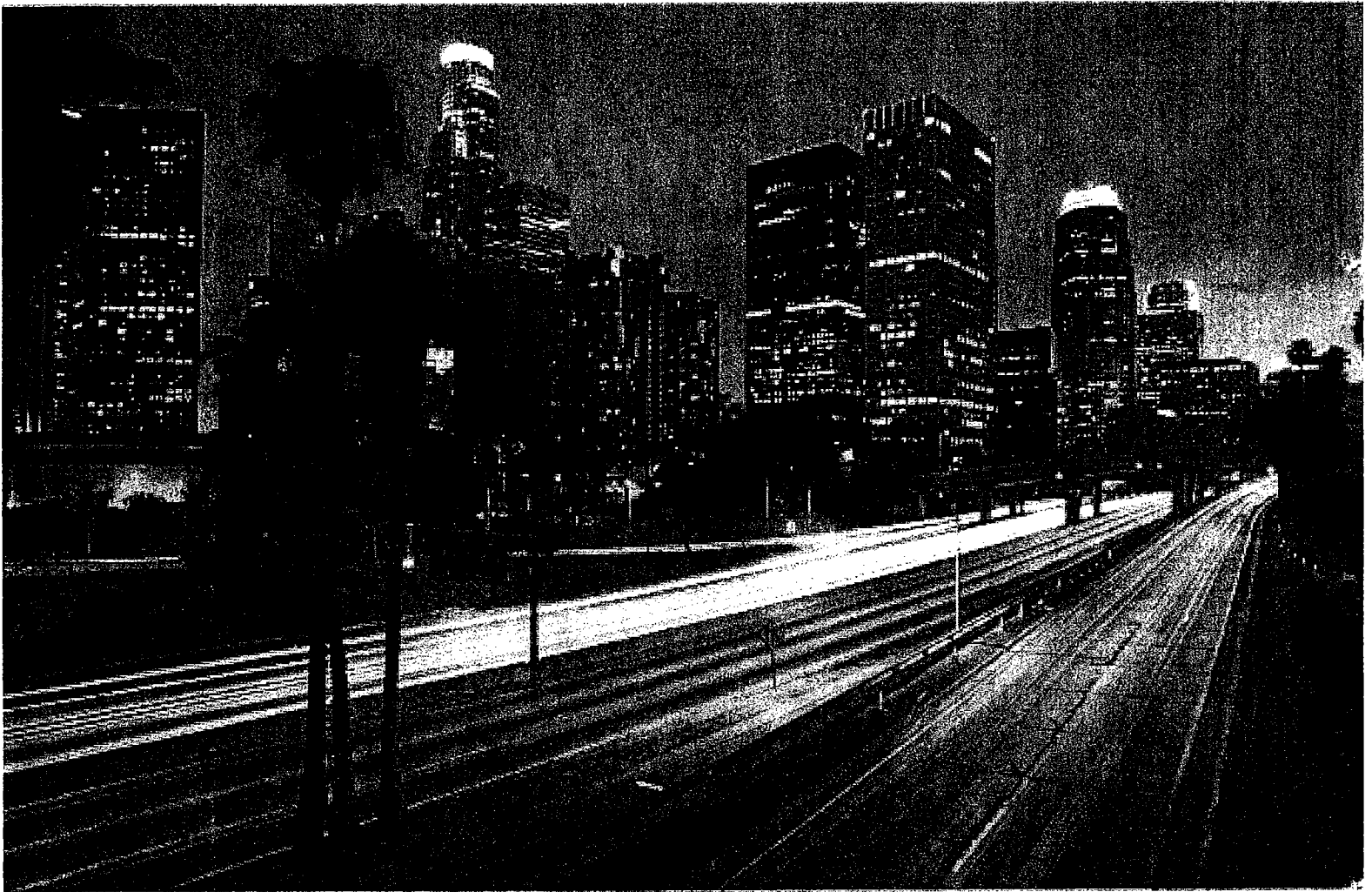
EXHIBIT 4

HOOVERS™

A D&B COMPANY

The Fastest Path to Business

COMPANIES ■ INDUSTRIES ■ PEOPLE



Target Corporation Profile

1000 Nicollet Mall
Minneapolis, MN 55403 United States ([Map](#))

Phone: 612-304-6073

Fax: 612-696-5400

<http://www.target.com>

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WELCOME

Hoover's is the business information resource that delivers a unique combination of up-to-date data, broad coverage, and comprehensive information about companies, decision makers, and industries - along with powerful tools to put this information to work for your business. Hoover's offers everything you need to successfully:

- * Identify and evaluate potential sales leads, markets, and business partners
- * Deepen relationships with current customers
- * Assess competitive risks and eliminate threats
- * Build presentation-ready reports and customized lists of companies, industries, and decision makers

Unlike other business information providers, only Hoover's has a full-time, in-house editorial and research team dedicated wholly to investigating, pinpointing, authenticating, and analyzing data to provide the most comprehensive, up-to-date information available on companies, industries, and executives.

Exhibit 

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OTHER RESOURCES AVAILABLE ON HOOVERS ONLINE	28

[Faint, illegible handwritten notes]

The Basics

1000 Nicollet Mall
Minneapolis, MN 55403 United States ([Map](#))

Phone: 612-304-6073
Fax: 612-696-5400
<http://www.target.com>

Purveyor of all that is cheap, yet chic, fast-growing Target Corporation has bulked up by slimming down. The nation's #2 discount chain (behind Wal-Mart) now operates about 1,700 Target and SuperTarget stores in 48 states, as well as an online business called Target.com. Target and its larger grocery-carrying incarnation, SuperTarget, have carved out a niche by offering more upscale, fashion-forward merchandise than rivals Wal-Mart and Kmart. After years of struggling to turn around its Marshall Field's and Mervyns department stores divisions, the discounter sold them both in 2004. Target also owns apparel supplier The Associated Merchandising Corp. and issues Target Visa and its proprietary Target Card.

KEY INFORMATION

DUNS Number	006961700
Doing Business As	Supertarget
Company Type	Public - NYSE: TGT
Location Type	Headquarters
Year of Founding or Change In Control	1902

KEY NUMBERS

Fiscal Year-End	January
Sales (mil.)	\$64,948.0
1-Year Sales Growth	2.5%
Net Income	\$2,214.0
1-Year Net Income Growth	(22.3%)
Total Employees	351,000
1-Year Employee Growth	(4.1%)
Employees At This Location	200

RANKINGS/STOCK INDEXES

#28 in FORTUNE 500
#160 in FT Global 500
S&P 500

KEY PEOPLE

Gregg W. Steinhafel	Chairman, President, and CEO
Douglas A. Scovanner	EVP and CFO
Beth M Jacob	SVP Technology Services and CIO
Michael R. Francis	EVP and Chief Marketing Officer
John D. Griffith	EVP Property Development

Exhibit B
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Overview

Purveyor of all that is cheap, yet chic, fast-growing Target Corporation has bulked up by slimming down. The nation's #2 discount chain (behind Wal-Mart) now operates about 1,700 Target and SuperTarget stores in 48 states, as well as an online business called Target.com. Target and its larger grocery-carrying incarnation, SuperTarget, have carved out a niche by offering more upscale, fashion-forward merchandise than rivals Wal-Mart and Kmart. After years of struggling to turn around its Marshall Field's and Mervyn's department stores divisions, the discounter sold them both in 2004. Target also owns apparel supplier The Associated Merchandising Corp. and issues Target Visa and its proprietary Target Card.

Historically a stellar performer in the retail arena, Target has missed the bulls eye of late, posting slower sales and earnings growth than investors have come to expect. Indeed, sales of apparel and home furnishings and decor (historically strong suits for Target) are down, while electronics, entertainment, sporting goods and toys are flat. But sales of consumables and commodities rose 3% in 2008 as cash-strapped consumers stuck to the basics. To capitalize on the new frugality, Target is taking a page from archrival Wal-Mart's playbook and opening new formats that devote more space to food, especially its house brands Archer Farms and Market Pantry, and other household basics. Target is also turning up the volume on its low-price message as it confronts Wal-Mart more directly in 2009. To that end, in March it launched a "Price Match Pilot Program" in select markets that could be rolled out to all Target stores by the fall. Under the terms of the program, Target pledges to match a competitor's price when a customer presents a current ad with a lower price.

Until its recent reversal, Target had successfully distinguished itself from other discounters by employing a strategy that relied on exclusive private-label offerings from big name designers. Target launched its Go International program; limited-edition collections from global designers including, most recently, the Iranian-born designer Behnaz Sarafpour. Previous Go collections were produced by the UK's Luella Bartley, Tara Jarmon, and Paul & Joe. Target's most high-profile partnership was with fashion designer Isaac Mizrahi, who joined the discounter's stable of in-house talent in mid-2003. Mizrahi rang up as much as \$300 million each year for Target and helped the chain become a destination for cheap-chic apparel. The partnership ended at the end of 2008 when Mizrahi moved to Liz Claiborne, leaving Target to face the challenge of finding a replacement.

Other designers with exclusive lines at Target include Amy Coe (children's bedding and accessories), Liz Lange (maternity), Mossimo (junior fashions), and the architect Michael Graves (housewares).

Despite its sagging fortunes, Target opened about 90 new stores in 2008, including its first in Alaska. The company plans to continue opening stores -- including its first outlets in Hawaii and Vermont -- over the next several years, bringing Target's store count to about 2,000 stores by 2011, thereby establishing a retail presence in all 50 US states. Target is testing two new store prototypes designed to be larger and "greener" than existing Target stores. Both formats devote more space to food and electronics. The company plans to roll out more than 100 of the newly-designed stores beginning in 2009.

Target's credit card business has also been negatively impacted by cutbacks in consumer spending and the inability of some card holders to pay back what they owe. Indeed, Target's bad debt expense more than doubled in 2008.

Target's online division, Target.com, is growing at a slightly faster rate than its in-store sales. To give it more control over this part of its business, Target announced in late 2009 that it plans to build its own retail Web site by the 2011 holiday season, essentially ending its relationship with e-commerce provider Amazon.com. To support its growth, Target operates more than 30 distribution centers, five import warehouses, and one Target.com fulfillment center.

The retailer's business-to-business subsidiary -- Target Commercial Interiors -- operates about a half-dozen showrooms in Illinois, Minnesota, and Wisconsin that provide products and services for office environments. The interior design company, whose clients include some of America's largest companies, is attempting to expand its business by reaching out to small and mid-size companies.

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In May 2008 Bob Ulrich, who had been chairman and CEO since 1994, handed his CEO title to president Gregg Steinhafel. Steinhafel, who joined the retailer in 1979 and worked his way up the ranks, added the chairman's title in early 2009 following Ulrich's retirement from Target's board of directors. Soon after ascending to the chairman's seat, Steinhafel successfully fended off a vigorous and expensive proxy contest waged by the activist investor William Ackman of Pershing Square Capital Management. Ackman, whose hedge fund -- at the time -- owned more than \$1 billion in Target stock, was seeking representation on the company's board, including a spot for himself and several other directors. However, shareholders elected Target's slate of incumbent directors at the annual meeting in May 2009. In August Pershing Square reduced its stake in Target to just about 4% from nearly 8%.

History

The panic of 1873 left Joseph Hudson bankrupt. After he paid his debts at 60 cents on the dollar, he saved enough to open a men's clothing store in Detroit in 1881. Among his innovations were merchandise-return privileges and price marking in place of bargaining. By 1891 Hudson's was the largest retailer of men's clothing in the US. Hudson repaid his creditors from 1873 in full, with interest. When Hudson died in 1912, four nephews expanded the business.

Former banker George Dayton established a dry-goods store in 1902 in Minneapolis. Like Hudson, he offered return privileges and liberal credit. His store grew to a 12-story, full-line department store.

After WWII both companies saw that the future lay in the suburbs. In 1954 Hudson's built Northland in Detroit, then the largest US shopping center. Dayton's built the world's first fully enclosed shopping mall in Edina, a Minneapolis suburb, in 1956. In 1962 Dayton's opened its first discount store in Roseville (naming the store Target to distinguish the discounter from its higher-end department stores).

Dayton's went public in 1966, the same year it began the B. Dalton bookstore chain. Three years later it merged with the family-owned Hudson's, forming Dayton Hudson. Dayton Hudson purchased more malls and invested in such specialty areas as consumer electronics and hard goods. Target had 24 stores by 1970.

The Target chain became the company's top moneymaker in 1977. The next year Dayton Hudson bought California-based Mervyn's (now Mervyns). In the late 1970s and 1980s, it sold nine regional malls and several other businesses, including the 800-store B. Dalton chain to Barnes & Noble. The Target stores division purchased Indianapolis-based Ayr-Way (1980) and Southern California-based Fedmart stores (1983). In the late 1980s Dayton Hudson took Target to Los Angeles and the Northwest. Robert Ulrich, who began with the company as a merchandise trainee in 1967, became president and CEO of the Target stores division in 1987 and chairman and CEO of Dayton Hudson in 1994.

Dayton Hudson opened the first Target Greatland store in 1990. By this time it had 420 Target stores. Also that year Dayton Hudson bought the Marshall Field's chain of 24 department stores from B.A.T. Industries. Marshall Field's began as a dry-goods business that Marshall Field bought in 1865 and subsequently built into Chicago's premier upscale retailer.

SuperTarget stores were introduced in 1995. The Target stores division opened stores in the Mid-Atlantic and Northeast the next year, while the department store division began selling off its Marshall Field's locations in Texas.

In 1998 Dayton Hudson boosted its Internet presence by purchasing direct-marketing company Rivertown Trading; it also bought apparel supplier Associated Merchandising that year. In 2000 Dayton Hudson renamed itself Target Corporation. In early 2001 the company renamed its Dayton's and Hudson's chains Marshall Field's. Also that year Target acquired the rights to 35 former Montgomery Wards stores from the bankrupt retailer.

The nation's #2 discounter was #1 when it came to corporate giving in 2001. Target topped the *Forbes* list of America's Most Philanthropic Companies that year, donating 2.5% of its 2000 income (nearly \$86 million). By comparison, Wal-Mart gave away \$116.5 million in 2001, less than 1% of its income in 2000.

In 2002 the company reopened 30 of the former Montgomery Ward stores as Target outlets. Net of closings, 94 Target stores opened in 2002, while neither Mervyns nor Marshall Field's added to their store counts. In March 2003 three new SuperTarget stores opened in the Dallas/Fort Worth area.

2004 was a year of divestments for Target. In January the discounter announced it was exiting the catalog business. To that end, in April Target sold its Signals and Wireless gifts catalogs to Universal Screen Arts for an undisclosed sum. In July Target sold its Marshall Field's business to The May Department Stores Co. for about \$3.2 billion in cash. In September Target completed the sale of 257 Mervyns stores in 13 states to an investment group that includes Cerberus Capital Management, Lubert-Adler/Klauff and Partners, and Sun Capital Partners, as well as its Mervyns credit card receivables to GE Consumer Finance for a combined sum of approximately \$1.65 billion in cash.

In October 2005 vice chairman Gerald Storch resigned unexpectedly after more than a dozen years with the company. No reason was given for his departure. In the largest mass opening in Target's history, the retailer opened 60 new stores on October 9.

In July 2006 Target.com extended its partnership with Amazon Enterprise Solutions, a unit of online retailer Amazon.com, through August 2010. Amazon provides e-commerce technology to the discount chain.

In May 2008 Ulrich, who served as chairman and CEO since 1994, handed his CEO title to president Gregg Steinhafel. (Steinhafel joined the retailer in 1979 and worked his way up the executive ranks.) Also in May Target closed on the sale of a 47% stake in its credit-card receivable to JPMorgan Chase for \$3.6 billion. The five-year deal allows Target to buy back the stake at the end of the term. In October the company opened a pair of stores in Alaska, thereby expanding its retail presence to 48 states. In November Target said no thanks to a plan Ackman had proposed for Target to spin off its real estate holdings in a bid to increase shareholder value, citing uncertainty about valuation assumptions and the potential reduction in financial flexibility as a result of spin off.

Ulrich retired from the board in January 2009 and Steinhafel added the chairman's title to his job description.

Industry Information

First Research Industry Profiles

- Consumer Finance
- Discount Stores (primary)
- Drugstores
- Finance and Insurance Sector
- Grocery Stores and Supermarkets
- Internet and Catalog Retailers
- Retail Sector
- Warehouse Clubs and Superstores

Hoover's Industries

- Construction
 - Construction & Design Services
- Financial Services
 - Lending
 - Credit Cards
- Retail
 - Nonstore Retail
 - Internet Retail
 - Grocery Retail
 - Drug Stores & Pharmacies
 - Discount & Variety Retail (primary)
 - Warehouse Clubs & Superstores
 - Apparel & Accessories Retail
 - Footwear & Related Products Retail

Primary SIC Code

5311: Department stores

Primary NAICS Code

452112: Discount Department Stores

Officers and Employees

CORPORATE OFFICERS

Title	Name	Age	Salary	Bonus
Chairman, President, and CEO	Mr. Gregg W. Steinhafel	53	\$1,235,769	\$447,680
EVP and CFO	Mr. Douglas A. Scovanner	53	\$915,961	\$270,203
SVP Technology Services and CIO	Ms. Beth M Jacob	-		
EVP and Chief Marketing Officer	Mr. Michael R. Francis	46	\$710,769	\$231,558
EVP Property Development	Mr. John D. Griffith	47	\$598,077	\$198,742
EVP Human Resources	Ms. Jodeen A. Kozlak	45		
EVP, Stores	Mr. Troy H. Risch	41		
EVP Target Sourcing Services, Global Operations	Ms. Ellen Tansey	-		
EVP Merchandising	Ms. Kathryn A. (Kathe) Tesija	46		
SVP Apparel Merchandising	Ms. Patricia Adams	-		
EVP, General Counsel, and Corporate Secretary	Mr. Timothy R. Baer	48		
SVP Target Sourcing Services, Regions I and II - Europe, India Sub-Continent, and Latin America	Ms. Carmela Batacchi	-		
SVP Region I, Northwest	Mr. Bryan Berg	-		
SVP Grocery Merchandising	Mr. Gregory J. (Greg) Duppler	-		
SVP Marketing	Ms. Karen Gershman	-		
SVP Target Sourcing Services, Compliance and Production Services	P. Jagannath	-		
SVP Region IV, Northeast	Mr. Derek L. Jenkins	-		
SVP Health and Beauty Merchandising	Ms. Keri Jones	-		
SVP Communications	Ms. Susan D. Kahn	-		
SVP Region III, Southeast	Mr. Sid Keswani	-		
SVP Merchandise Planning	Mr. Richard N. Maguire	-		
SVP Target Sourcing Services	Ms. Annette Miller	-		
SVP Real Estate	Mr. Scott Nelson	-		
SVP Region II, Southeast	Ms. Tina M. Schiel	-		
SVP Hardlines Merchandising	Mr. Mark Schindele	-		
SVP Home Merchandising	Ms. Gina Sprenger	-		
SVP Distribution	Mr. Mitchell L. (Mitch) Stover	-		
SVP Store Design	Mr. Rich Varda	-		
SVP Finance	Ms. Jane P. Windmeier	-		
VP Government Affairs	Mr. Nathan K. (Nate) Garvis	-		
VP and Treasurer	Mr. Corey L. Haaland	-		
President and Managing Director, Target India	Lalit Ahuja	-		
President, Target Sourcing Services	Ms. Stacia J. Anderson	-		
President, Target.com	Mr. Steve Eastman	-		
President, Target Financial Services	Mr. Terrence J. Scully	56		
President, Community Relations and Target Foundation	Ms. Laysha Ward	41		
Marketing Producer	Ms. Sarah Benson	-		

BOARD MEMBERS

Title	Name	Age
Chairman, President, and CEO	Mr. Gregg W. Steinhafel	53
Director	Ms. Roxanne S. Austin	48
Director	Mr. Calvin (Cal) Darden	59
Director	Ms. Mary N. Dillon	47
Director	Mr. James A. Johnson	65
Director	Mr. Richard M. (Dick) Kovacevich	65
Director	Ms. Mary E. Minnick	50
Director	Ms. Anne M. Mulcahy	56
Director	Mr. Derica W. Rice	44
Director	Mr. Stephen W. (Steve) Sanger	63
Director	Mr. George W. Tamke	61
Director	Mr. Solomon D. (Sol) Trujillo	57

Biographies

BIOGRAPHIES

Douglas A. Scovanner, Age 53

Title held since 2007: EVP and CFO

Current Company Affiliations

Company	Title	Salary	Bonus
TCF Financial Corporation	Director	-	-
Target Receivables Corporation	President and Director	-	-

Biography

Executive Vice President and Chief Financial Officer since February 2000.

Source: 10K, March 15, 2007

Michael R. Francis, Age 46

Title held since 2008: EVP and Chief Marketing Officer

Current Company Affiliations

Company	Title	Salary	Bonus
Piper Jaffray Companies	Director	-	-

Past Company Affiliations

Company	Title	Salary	Bonus
Lenox Corporation	Director	-	-

Biography

As executive vice president and chief marketing officer, Francis is responsible for all marketing functions, as well as strategy and research, community relations and Target.com. Francis serves on the boards of the Smithsonian Institution's National Board, Cooper-Hewitt National Design Museum, Walker Art Center, and The Minneapolis Institute of Arts. He is also a director of Piper Jaffray Companies (NYSE: PJC).

Source: Company Press Release, August 27, 2008

Gregg W. Steinhafel, Age 53

Title held since 2009: Chairman, President, and CEO

Current Company Affiliations

Company	Title	Salary	Bonus
The Toro Company	Director	-	-
Retail Industry Leaders Association	Second Vice Chairman	-	-

Biography

Gregg W. Steinhafel is Chairman of the Board, Chief Executive Officer and President of Target. He has been Chief Executive Officer since May 2008 and President since August 1999. He became Chairman on February 1, 2009. He began

his career at Target as a merchandising trainee in 1979. Since that time, he has held various management positions with Target. He is also a director of The Toro Co.

Source: Company Web Site, 2009

John D. Griffith, Age 47

Title held since 2008: EVP Property Development

Biography

Executive Vice President, Property Development since February 2005. Senior Vice President, Property Development from February 2000 to January 2005.

Source: 10K, March 15, 2007

Jodeen A. Kozlak, Age 45

Title held since 2007: EVP Human Resources

Biography

Executive Vice President, Human Resources since March 2007. Senior Vice President, Human Resources from February 2006 to March 2007. Vice President, Human Resources and Employee Relations General Counsel from November 2005 to February 2006. From June 2001 to November 2005 Ms. Kozlak held several positions in Employee Relations at Target.

Source: 10K, March 15, 2007

Kathryn A. (Kathee) Tesija, Age 46

Title held since 2008: EVP Merchandising

Biography

Kathee Tesija began her career at Target Corporation in 1986 as a Merchandise Analyst and held a variety of positions within Target's merchandising organization. In 2001, she was named Senior Vice President, Merchandising with responsibility for Baby, Beauty, Commodities, Electronics, Entertainment, Health and Wellness, Pharmacy, Sporting Goods, and Toys. As Executive Vice President of Merchandising, Tesija will oversee all merchandising functions including product design and development, inventory management, and merchandising systems, presentation and operations.

Source: Company Press Release, April 7, 2008

Timothy R. Baer, Age 48

Title held since 2009: EVP, General Counsel, and Corporate Secretary

Biography

Executive Vice President, General Counsel and Corporate Secretary since March 2007. Senior Vice President, General Counsel and Corporate Secretary from June 2004 to March 2007. Senior Vice President from April 2004 to May 2004. Vice President from February 2002 to March 2004.

Source: 10K, March 15, 2007

Laysha Ward, Age 41

Title held since 2008: President, Community Relations and Target Foundation

Biography

Ward began her career at Target Corporation in 1991 as stores sales leader for Dayton's department store and was named vice president of Community Relations and Target Foundation in 2003. As president of Community Relations and Target Foundation, Ward will continue to oversee Target's domestic and international grant making, community sponsorships, cause marketing initiatives and other civic activities. Ward also will continue to lead Target's volunteerism efforts, encouraging and providing opportunities for more than 350,000 team members to give thousands of volunteer hours every year. The U. S. Senate recently confirmed President Bush's nomination of Ward to serve on the board of directors of the Corporation for National and Community Service, the nation's largest grant maker for volunteering and service. In addition, Ward serves on the boards of the Executive Leadership Council, a national membership organization for African-American executives and the Tiger Woods Learning Center, an education facility located in Southern California. She is a member of The Links, an international women's service organization, and of Alpha Kappa Alpha Sorority.

Source: Company Press Release, August 1, 2008

Terrence J. Scully, Age 56

Title held since 2003: President, Target Financial Services

Current Company Affiliations

Company	Title	Salary	Bonus
Target Receivables Corporation	VP and Director	-	-

Biography

President, Target Financial Services since March 2003. Vice President, Target Financial Services, from April 1998 to February 2003.

Source: 10K, March 15, 2007

Roxanne S. Austin, Age 48

Title: Director

Current Company Affiliations

Company	Title	Salary	Bonus
Abbott Laboratories	Director	-	-
Telefonaktiebolaget LM Ericsson	Director	-	-
Teledyne Technologies Incorporated	Director	-	-

Past Company Affiliations

Company	Title	Salary	Bonus
The DIRECTV Group, Inc.	EVP; President and COO, DIRECTV	-	-
PanAmSat Holding Corporation	Director	-	-

Biography

Roxanne S. Austin is President of Austin Investment Advisors, a private investment and consulting firm, a position she has held since January 2004. She is a director of Abbott Laboratories, Teledyne Technologies Incorporated and LM Ericsson Telephone Company.

Source: Company Web Site, 2009

Calvin (Cal) Darden, Age 59

Title: Director

Current Company Affiliations

Company	Title	Salary	Bonus
Coca-Cola Enterprises Inc.	Director	-	-
Cardinal Health, Inc.	Director	-	-

Past Company Affiliations

Company	Title	Salary	Bonus
United Parcel Service, Inc.	SVP, US Operations and Director	435,600.00	184,448.00

Biography

Calvin Darden is Chairman of the Atlanta Beltline, Inc., an urban revitalization project for the City of Atlanta, a position he has held since February 2006. He previously served as Senior Vice President of U.S. Operations of United Parcel Service of America, Inc., an express carrier and package delivery company, until his retirement in February 2005. He joined UPS in 1971 and held various operational and managerial positions throughout his career with UPS. He is a director of Coca-Cola Enterprises, Inc. and Cardinal Health Corp.

Source: Company Web Site, 2009

Significant Developments

Date	Event	Details
2008-05-01	Top Executive Change	Gregg W. Steinhafel succeeded Robert J. Ulrich, who remained chairman.
2008-01-09	Top Executive Change	The company announced that Gregg W. Steinhafel will succeed the retiring Robert J. Ulrich on 05/01/2008; Ulrich will remain chairman.

Competitors

TOP COMPETITORS

- Costco Wholesale
- Kmart
- Wal-Mart

ALL COMPETITORS

- Bed Bath & Beyond
- Best Buy
- Burnes Home Accents
- Container Store
- Costco Wholesale
- CVS Caremark
- Dillard's
- Dollar General
- eBay
- Euromarket Designs
- Foot Locker
- The Gap
- Home Depot
- J. C. Penney Company
- Kmart
- Kohl's
- Kroger
- Limited Brands
- Macy's
- PETCO
- Ross Stores
- Sears
- SUPERVALU
- TJX Companies
- Toys "R" Us
- Walgreen
- Wal-Mart
- Williams-Sonoma

Products and Operations

2009 Locations

	No.
California	236
Texas	143
Florida	122
Illinois	85
Minnesota	73
Ohio	63
New York	62
Michigan	60
Virginia	55
Georgia	54
Pennsylvania	51
North Carolina	47
Arizona	48
Colorado	41
New Jersey	42
Washington	35
Wisconsin	35
Missouri	35
Indiana	33
Maryland	36
Massachusetts	31
Tennessee	31
Iowa	21
Alabama	19
Kansas	19
Oregon	18
South Carolina	18
Connecticut	19
Nevada	16
Nebraska	14
Louisiana	14
Kentucky	12
Oklahoma	12
Utah	11
New Mexico	9
New Hampshire	8
Montana	7
Arkansas	7
Idaho	6
West Virginia	5
Maine	5
Mississippi	5

2009 Locations

	No.
North Dakota	4
South Dakota	4
Rhode Island	4
Alaska	2
Delaware	2
Wyoming	2
District of Columbia	1
Total	1,682

2009 Sales

	% of total
Consumables & commodities	37
Electronics, entertainment, sporting goods & toys	22
Home furnishings & décor	21
Apparel & accessories	20
Total	100

2009 Stores

	No.
Target	1,443
SuperTarget	239
Total	1,682

Selected Designer Private Labels

- Amy Coe (children's bedding and accessories)
- Liz Lange (maternity)
- Michael Graves Design (housewares)
- Mossimo (junior fashions)
- Sonia Kashuk (cosmetics and fragrances)
- Todd Oldham (bedding and furniture)

Selected Private Labels

- Archer Farms (food)
- Cherokee (apparel)
- Choxie (candy)
- Furio (housewares)
- Honors (apparel)
- In Due Time (maternity wear)

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October 2009

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- Market Pantry
- Merona (apparel)
- Nick & Nora (apparel)
- Playwonder (toys)
- Utility (apparel)
- Xhilaration (apparel)

Store Formats

- SuperTarget (groceries and general merchandise)
- Target (upscale discount stores)

Other Operations

- Associated Merchandising Corporation (apparel sourcing for department stores)
- Rivertown Trading (catalogs and e-commerce)
 - Britannia (British video and gifts)
 - I Love A Deal (apparel, housewares, and jewelry)
 - Seasons (traditional)
- Target Capital Corp.
- Target Commercial Interiors
- Target Receivables Corp.

Company Financials

FINANCIAL OVERVIEW

Company Type	Public - NYSE: <u>TGT</u>
Location Type	Headquarters
Fiscal Year-End	January
Financial Filings	<u>SEC</u>
2009 Sales (mil.)	\$64,948.0
1-Year Sales Growth	2.5%
2009 Net Income (mil.)	\$2,214.0
1-Year Net Income Growth	(22.3%)
Auditor	Ernst & Young LLP

ANNUAL INCOME STATEMENT

All amounts in millions of US Dollars unless otherwise noted.

	Jan 2009	Jan 2008	Jan 2007
Revenue	64,948.0	63,367.0	59,490.0
Cost of Goods Sold	45,766.0	41,895.0	39,399.0
Gross Profit	19,182.0	21,472.0	20,091.0
Gross Profit Margin	29.5%	33.9%	33.8%
SG&A Expense	12,954.0	13,704.0	12,819.0
Depreciation and Amortization	1,826.0	1,659.0	1,496.0
Operating Income	4,430.0	5,272.0	5,069.0
Operating Margin	6.8%	8.3%	8.5%
Nonoperating Income	0.0	(1,294.0)	0.0
Nonoperating Expenses	(866.0)	647.0	--
Income Before Taxes	3,536.0	4,625.0	4,497.0
Income Taxes	1,322.0	1,776.0	1,710.0
Net Income After Taxes	2,214.0	2,849.0	2,787.0
Continuing Operations	2,214.0	2,849.0	2,787.0
Discontinued Operations	--	--	0.0
Total Operations	2,214.0	2,849.0	2,787.0
Total Net Income	2,214.0	2,849.0	2,787.0
Net Profit Margin	3.4%	4.5%	4.7%
Diluted EPS from Continuing Operations (\$)	2.86	3.33	3.21
Diluted EPS from Discontinued Operations (\$)	--	--	0.00
Diluted EPS from Total Operations (\$)	2.86	3.33	3.21
Diluted EPS from Total Net Income (\$)	2.86	3.33	3.21
Dividends per Share	0.44	0.52	0.44

QUARTERLY INCOME STATEMENT

All amounts in millions of US Dollars unless otherwise noted.

	Quarter Ending Jul 2009	Quarter Ending Apr 2009	Quarter Ending Apr 2009	Quarter Ending Jan 2009	Quarter Ending Oct 2008
Revenue	15,067.0	14,833.0	14,833.0	19,560.0	15,114.0
Cost of Goods Sold	10,302.0	10,320.0	10,320.0	14,411.0	10,533.0
Gross Profit	4,765.0	4,513.0	4,513.0	5,149.0	4,581.0
Gross Profit Margin	31.6%	30.4%	30.4%	26.3%	30.3%
SG&A Expense	3,136.0	3,015.0	3,015.0	3,518.0	3,245.0
Depreciation and Amortization	478.0	472.0	472.0	474.0	469.0
Operating Income	1,152.0	1,027.0	1,027.0	1,161.0	873.0
Operating Margin	7.6%	6.9%	6.9%	5.9%	5.8%
Nonoperating Income	0.0	0.0	0.0	0.0	0.0
Nonoperating Expenses	(194.0)	(202.0)	(202.0)	(214.0)	(234.0)
Income Before Taxes	957.0	824.0	824.0	943.0	633.0
Income Taxes	363.0	302.0	302.0	334.0	264.0
Net Income After Taxes	594.0	522.0	522.0	609.0	369.0
Continuing Operations	594.0	522.0	522.0	609.0	369.0
Discontinued Operations	--	--	--	--	--
Total Operations	594.0	522.0	522.0	609.0	369.0
Total Net Income	594.0	522.0	522.0	609.0	369.0
Net Profit Margin	3.9%	3.5%	3.5%	3.1%	2.4%
Diluted EPS from Continuing Operations (\$)	0.79	0.69	0.69	0.80	0.49
Diluted EPS from Discontinued Operations (\$)	--	--	--	--	--
Diluted EPS from Total Operations (\$)	0.79	0.69	0.69	0.80	0.49
Diluted EPS from Total Net Income (\$)	0.79	0.69	0.69	0.80	0.49
Dividends per Share	0.16	0.16	0.16	0.00	0.16

ANNUAL BALANCE SHEET

All amounts in millions of US Dollars unless otherwise noted.

Assets	Jan 2009	Jan 2008	Jan 2007
Current Assets			
Cash	864.0	2,450.0	813.0
Net Receivables	8,753.0	8,054.0	6,194.0
Inventories	6,705.0	6,780.0	6,254.0
Other Current Assets	1,166.0	1,622.0	1,445.0
Total Current Assets	17,488.0	18,906.0	14,706.0
Net Fixed Assets	25,756.0	24,095.0	21,431.0
Other Noncurrent Assets	862.0	1,559.0	1,212.0
Total Assets	44,106.0	44,560.0	37,349.0

Liabilities and Shareholder's Equity	Jan 2009	Jan 2008	Jan 2007
Current Liabilities			
Accounts Payable	6,337.0	6,721.0	6,575.0

Liabilities and Shareholder's Equity	Jan 2009	Jan 2008	Jan 2007
Current Liabilities			
Short-Term Debt	1,262.0	1,964.0	1,362.0
Other Current Liabilities	2,913.0	3,097.0	3,180.0
Total Current Liabilities	10,512.0	11,782.0	11,117.0
Long-Term Debt	17,490.0	15,126.0	8,675.0
Other Noncurrent Liabilities	2,392.0	2,345.0	1,924.0
Total Liabilities	30,394.0	29,253.0	21,716.0

Shareholder's Equity	Jan 2009	Jan 2008	Jan 2007
Preferred Stock Equity	--	--	--
Common Stock Equity	13,712.0	15,307.0	15,633.0
Total Equity	13,712.0	15,307.0	15,633.0
Shares Outstanding (mil.)	751.9	751.9	751.9

QUARTERLY BALANCE SHEET

All amounts in millions of US Dollars unless otherwise noted.

Assets	Quarter Ending Jul 2009	Quarter Ending Apr 2009	Quarter Ending Apr 2009	Quarter Ending Jan 2009	Quarter Ending Oct 2008
Current Assets					
Cash	957.0	1,371.0	1,371.0	864.0	918.0
Net Receivables	7,288.0	7,452.0	7,452.0	8,753.0	7,999.0
Inventories	7,528.0	6,993.0	6,993.0	6,705.0	9,050.0
Other Current Assets	1,910.0	1,735.0	1,735.0	1,166.0	2,272.0
Total Current Assets	17,683.0	17,551.0	17,551.0	17,488.0	20,239.0
Net Fixed Assets	25,712.0	25,800.0	25,800.0	25,756.0	25,525.0
Other Noncurrent Assets	838.0	861.0	861.0	862.0	1,277.0
Total Assets	44,233.0	44,212.0	44,212.0	44,106.0	47,041.0

Liabilities and Shareholder's Equity	Quarter Ending Jul 2009	Quarter Ending Apr 2009	Quarter Ending Apr 2009	Quarter Ending Jan 2009	Quarter Ending Oct 2008
Current Liabilities					
Accounts Payable	6,233.0	6,004.0	6,004.0	6,337.0	7,590.0
Short-Term Debt	573.0	1,255.0	1,255.0	1,262.0	2,849.0
Other Current Liabilities	3,004.0	2,990.0	2,990.0	2,913.0	3,057.0
Total Current Liabilities	9,810.0	10,249.0	10,249.0	10,512.0	13,496.0
Long-Term Debt	17,441.0	17,514.0	17,514.0	17,490.0	17,444.0
Other Noncurrent Liabilities	2,380.0	2,330.0	2,330.0	2,392.0	2,521.0
Total Liabilities	29,631.0	30,093.0	30,093.0	30,394.0	33,461.0

Shareholder's Equity	Quarter Ending Jul 2009	Quarter Ending Apr 2009	Quarter Ending Apr 2009	Quarter Ending Jan 2009	Quarter Ending Oct 2008
Preferred Stock Equity	--	--	--	--	--
Common Stock Equity	14,602.0	14,119.0	14,119.0	13,712.0	13,580.0
Total Equity	14,602.0	14,119.0	14,119.0	13,712.0	13,580.0
Shares Outstanding (mil.)	751.9	751.9	751.9	751.9	751.9

ANNUAL CASH FLOW

All amounts in millions of US Dollars unless otherwise noted.

	Jan 2009	Jan 2008	Jan 2007
Net Operating Cash Flow	4,430.0	4,125.0	4,862.0
Net Investing Cash Flow	(4,373.0)	(6,195.0)	(4,693.0)
Net Financing Cash Flow	(1,643.0)	3,707.0	(1,004.0)
Net Change in Cash	(1,586.0)	1,637.0	(835.0)
Depreciation & Amortization	1,826.0	1,659.0	1,496.0
Capital Expenditures	(3,547.0)	(4,369.0)	(3,928.0)
Cash Dividends Paid	(465.0)	(442.0)	(380.0)

QUARTERLY CASH FLOW

All amounts in millions of US Dollars unless otherwise noted.

	Jul 2009	Apr 2009	Apr 2009	Jan 2009	Oct 2008
Net Operating Cash Flow	2,051.0	999.0	--	4,430.0	1,780.0
Net Investing Cash Flow	(972.0)	(372.0)	--	(4,373.0)	(3,363.0)
Net Financing Cash Flow	(986.0)	(120.0)	--	(1,643.0)	51.0
Net Change in Cash	93.0	507.0	--	(1,586.0)	(1,532.0)
Depreciation & Amortization	478.0	472.0	472.0	474.0	469.0
Capital Expenditures	(1,042.0)	(540.0)	--	(3,547.0)	(2,827.0)
Cash Dividends Paid	(241.0)	(121.0)	--	(465.0)	(345.0)

HISTORICAL FINANCIALS

Income Statement

Year	Revenue (\$ mil.)	Net Income (\$ mil.)	Net Profit Margin (\$ mil.)	Employees
Jan 2009	64,948.00	2,214.00	3.4%	351,000
Jan 2008	63,367.00	2,849.00	4.5%	366,000
Jan 2007	59,490.00	2,787.00	4.7%	352,000
Jan 2006	52,620.00	2,408.00	4.6%	338,000
Jan 2005	46,839.00	3,198.00	6.8%	292,000
Jan 2004	48,163.00	1,841.00	3.8%	328,000
Jan 2003	43,917.00	1,654.00	3.8%	306,000
Jan 2002	39,888.00	1,374.00	3.4%	280,000

Year	Revenue (\$ mil.)	Net Income (\$ mil.)	Net Profit Margin (\$ mil.)	Employees
Jan 2001	36,903.00	1,264.00	3.4%	254,000
Jan 2000	33,702.00	1,185.00	3.5%	214,000

2009 Year-End Financials

Debt Ratio	127.6%
Return on Equity	16.1%
Cash (\$ mil)	864.00
Current Ratio	1.66
Long-Term Debt (\$ mil.)	17,490.00
Shares Outstanding (mil.)	751.9
Dividend Yield	1.4%
Dividend Payout	0.15
Market Cap (\$ mil.)	23,458.0

Stock History

Year	Stock Price (\$)			P/E		Per Share (\$)		Book Value
	FY High	FY Low	FY Close	High	Low	Earns.	Div.	
Jan 2009	59.55	25.60	31.20	21	9	2.86	0.44	18.24
Jan 2008	70.75	47.01	55.42	21	14	3.33	0.52	20.36
Jan 2007	62.96	44.70	61.36	20	14	3.21	0.44	20.79
Jan 2006	60.00	45.55	54.75	22	17	2.71	0.36	18.89
Jan 2005	54.14	39.47	50.77	15	11	3.51	0.30	17.33
Jan 2004	41.79	25.60	37.96	21	13	2.01	0.26	14.72
Jan 2003	46.15	24.90	28.21	25	14	1.81	0.24	12.56
Jan 2002	44.44	26.00	44.41	30	17	1.50	0.22	10.45
Jan 2001	40.00	21.62	37.98	29	16	1.38	0.21	8.67
Jan 2000	38.50	27.12	32.94	31	22	1.23	0.20	7.80

MARKET DATA

Current Information

Last Close (23-Oct-2009)	\$49.03	Price/Sales Ratio	0.57
52-Week High	\$51.77	Price/Book Ratio	2.52
52-Week Low	\$25.00	Price/Earnings Ratio	(-17.67)
60-Month Beta	1.2	Price/Cash Flow Ratio	7.83
Market Cap (mil.)	\$36,863.64	Return on Assets	(-4.7%)
Shares Outstanding (mil.)	751.9	Return on Equity	(-14.9%)
Dividend Rate	0.68	Current Ratio	1.66

Current Information

Dividend Yield	0.9%	Long-Term Debt/Equity	1.37
# of Institutional Holders	239	% Owned by Institutions	5.4%
Latest Short Interest Ratio	2.44	Latest Net Insider Transactions	--

Growth Rates

	12 Month	36 Month	60 Month
Revenue Growth	2.5%	7.3%	6.2%
EPS Growth	(14.1%)	1.8%	7.3%
Dividend Growth	(15.4%)	6.9%	11.1%

COMPARISON DATA**Profitability**

	Company	Industry	Market
Gross Profit Margin	29.43%	23.93%	28.77%
Pre-Tax Profit Margin	5.20%	4.81%	8.48%
Net Profit Margin	3.24%	3.09%	5.53%
Return on Equity	14.9%	18.4%	10.1%
Return on Assets	4.7%	7.2%	1.5%
Return on Invested Capital	6.9%	11.0%	4.4%

Valuation

	Company	Industry	Market
Price/Sales Ratio	0.57	0.48	7.12
Price/Earnings Ratio	17.67	15.55	25.91
Price/Book Ratio	2.52	2.79	6.85
Price/Cash Flow Ratio	7.83	8.72	44.25

Operations

	Company	Industry	Market
Days of Sales Outstanding	43.15	7.45	34.66
Inventory Turnover	6.1	8.4	8.1
Days Cost of Goods Sold in Inventory	59	43	45
Asset Turnover	1.4	2.3	0.3
Net Receivables Turnover	8.5	49.0	10.5
Flow			
Effective Tax Rate	37.6%	34.7%	37.9%

Financial

	Company	Industry	Market
Current Ratio	1.66	1.04	1.33

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Financial	Company	Industry	Market
Quick Ratio	0.9	0.3	1.2
Leverage Ratio	3.22	2.55	7.13
Total Debt/Equity	1.37	0.65	1.37
Interest Coverage	4.91	8.06	17.33

Per Share Data (\$)	Company	Industry	Market
Revenue Per Share	85.55	100.60	3.76
Fully Diluted Earnings Per Share from Total Operations	2.78	3.12	1.08
Dividends Per Share	0.48	0.84	0.25
Cash Flow Per Share	6.26	5.56	0.61
Working Capital Per Share	9.28	0.61	0.64
Long-Term Debt Per Share	23.26	9.80	4.06
Book Value Per Share	19.42	17.38	3.91
Total Assets Per Share	58.66	42.71	27.90

Growth	Company	Industry	Market
12-Month Revenue Growth	2.5%	7.2%	31.9%
12-Month Net Income Growth	(22.3%)	1.7%	(27.7%)
12-Month EPS Growth	(14.1%)	4.4%	(50.0%)
12-Month Dividend Growth	(15.4%)	7.8%	--
36-Month Revenue Growth	7.3%	9.1%	14.3%
36-Month Net Income Growth	(2.8%)	5.1%	(5.6%)
36-Month EPS Growth	1.8%	7.1%	(14.7%)
36-Month Dividend Growth	6.9%	16.9%	--

COMPETITIVE LANDSCAPE

KEY: **Best of Group.** Companies listed are Top Competitors.

Key Numbers	Target	Costco Wholesale	Kmart	Wal-Mart		
Annual Sales (\$ mil.)	64,948.0	71,422.0	16,219.0	405,607.0	--	--
Employees	351,000	142,000	133,000	2,100,000	--	--
Market Cap (\$ mil.)	36,863.6	25,204.5	--	194,538.3	--	--

Profitability	Target	Costco Wholesale	Kmart	Wal-Mart	Industry	Market
Gross Profit Margin	29.43%	12.72%	--	24.85%	23.93%	28.77%
Pre-Tax Profit Margin	5.20%	2.40%	--	5.17%	4.81%	8.48%
Net Profit Margin	3.24%	1.52%	--	3.32%	3.09%	5.53%
Return on Equity	14.9%	11.3%	--	20.0%	18.4%	10.1%
Return on Assets	4.7%	5.1%	--	8.0%	7.2%	1.5%
Return on Invested Capital	6.9%	9.1%	--	12.0%	11.0%	4.4%

Valuation	Target	Costco Wholesale	Kmart	Wal-Mart	Industry	Market
Price/Sales Ratio	0.57	0.36	--	0.49	0.48	7.12
Price/Earnings Ratio	17.67	23.42	--	14.93	15.55	25.91
Price/Book Ratio	2.52	2.52	--	2.90	2.79	6.85
Price/Cash Flow Ratio	7.83	12.17	--	8.66	8.72	44.25

Operations	Target	Costco Wholesale	Kmart	Wal-Mart	Industry	Market
Days of Sales Outstanding Inventory	43.15	4.04	--	3.13	7.45	34.66
Inventory Turnover	6.1	11.9	--	8.8	8.4	8.1
Days Cost of Goods Sold in Inventory	59	31	--	42	43	45
Asset Turnover	1.4	3.3	--	2.4	2.3	0.3
Net Receivables Turnover	8.5	90.3	--	116.8	49.0	10.5
Effective Tax Rate	37.6%	36.6%	--	34.0%	34.7%	37.9%

Financial	Target	Costco Wholesale	Kmart	Wal-Mart	Industry	Market
Current Ratio	1.66	1.11	--	0.88	1.04	1.33

Financial	Target	Costco Wholesale	Kmart	Wal-Mart	Industry	Market
Quick Ratio	0.9	0.5	--	0.2	0.3	1.2
Leverage Ratio	3.22	2.19	--	2.50	2.55	7.13
Total Debt/ Equity	1.37	0.23	--	0.59	0.65	1.37
Interest Coverage	4.91	16.87	--	10.80	8.06	17.33
Per Share Data (\$)	Target	Costco Wholesale	Kmart	Wal-Mart	Industry	Market
Revenue Per Share	85.55	162.16	--	102.73	100.60	3.76
Fully Diluted Earnings Per Share from Total Operations	2.78	2.50	--	3.42	3.12	1.08
Dividends Per Share	0.48	0.68	--	1.02	0.84	0.25
Cash Flow Per Share	6.26	4.75	--	5.83	5.56	0.61
Working Capital Per Share	9.28	2.42	--	(1.67)	0.61	0.64
Long-Term Debt Per Share	23.26	5.06	--	8.96	9.80	4.06
Book Value Per Share	19.42	22.98	--	17.37	17.38	3.91
Total Assets Per Share	58.66	50.41	--	42.37	42.71	27.90
Growth	Target	Costco Wholesale	Kmart	Wal-Mart	Industry	Market
12-Month Revenue Growth	2.5%	(1.5%)	--	7.1%	7.2%	31.9%
12-Month Net Income Growth	(22.3%)	(15.3%)	--	5.3%	1.7%	(27.7%)
12-Month EPS Growth	(14.1%)	(14.5%)	--	6.0%	4.4%	(50.0%)
12-Month Dividend Growth	(15.4%)	11.5%	--	8.0%	7.8%	--
36-Month Revenue Growth	7.3%	5.9%	--	9.1%	9.1%	14.3%
36-Month Net Income Growth	(2.8%)	(0.5%)	--	6.1%	5.1%	(5.6%)

Growth	Target	Costco Wholesale	Kmart	Wal-Mart	Industry	Market
36-Month EPS Growth	1.8%	2.4%	--	7.7%	7.1%	(14.7%)
36-Month Dividend Growth	6.9%	11.5%	--	16.6%	16.9%	--

Other Resources Available on Hoovers Online

[Map of Headquarters](#)

[Industry Watch](#)

[News and Press Releases for Target \(last 90 days\)](#)

[Financial Data Definitions](#)

[Market Data Definitions](#)

[Comparison Data Definitions](#)

[Historical Financials & Employees Definitions](#)

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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge Gary A. Feess and the assigned discovery Magistrate Judge is John E. McDermott.

The case number on all documents filed with the Court should read as follows:

CV10- 1042 GAF (JEMx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====:

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☒ **Western Division**
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

☐ **Southern Division**
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

☐ **Eastern Division**
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>) Julius Friedman	DEFENDANTS ETHEX Corporation, Target Corporation, and DOES 1 through 25, inclusive,
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) JOHN A. GIRARDI (213) 977-0211 GIRARDI & KEESE FAX - (213) 481-1554 1126 WILSHIRE BOULEVARD LOS ANGELES, CA 90017	Attorneys (If Known) GARY M. ROBERTS (213) 623-9300 SHIRIN M. SOLEMAN FAX - (213) 623-9924 SONNENSCHN NATH & ROSENTHAL LLP 601 SOUTH FIGUEROA STREET, SUITE 2500 LOS ANGELES, CA 90017-5704

II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1 U.S. Government Plaintiff <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input checked="" type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border: none;"> <tr> <td style="width:30%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> <td style="width:40%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> </tr> <tr> <td>Citizen of This State</td> <td style="text-align: center;"><input checked="" type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in this State</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input checked="" type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input checked="" type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input checked="" type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input checked="" type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input checked="" type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
	PTF	DEF		PTF	DEF																				
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Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				
IV. ORIGIN (Place an X in one box only.) <input type="checkbox"/> 1 Original Proceeding <input checked="" type="checkbox"/> 2 Removed from State Court <input type="checkbox"/> 3 Remanded from Appellate Court <input type="checkbox"/> 4 Reinstated or Reopened <input type="checkbox"/> 5 Transferred from another district (specify): <input type="checkbox"/> 6 Multi-District Litigation <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge																									

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☐ Yes ☒ No (Check 'Yes' only if demanded in complaint.)
CLASS ACTION under F.R.C.P. 23: ☐ Yes ☒ No **MONEY DEMANDED: \$** over 75,000

VI. CAUSE OF ACTION (Cite the U. S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
 DIVERSITY JURISDICTION - 28 U.S.C. §§1332, 1441 AND 1446. SUIT FOR NEGLIGENCE
VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES	CONTRACT	TORTS PERSONAL INJURY	TORTS PERSONAL PROPERTY	PRISONER PETITIONS	LABOR
<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input checked="" type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability BANKRUPTCY <input type="checkbox"/> 22 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FORFEITURE/PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety /Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 61 HIA(1395ff) <input type="checkbox"/> 862 Black Lung (923) 405(g) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609

FOR OFFICE USE ONLY: Case Number: CV10 1042
 AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes

If yes, list case number(s):

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes

If yes, list case number(s):

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named plaintiff resides.

☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Julius Friedman - Los Angeles County	

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named defendant resides.

☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	ETHEX Corporation - Missouri Target Corporation - Minnesota

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH claim arose.

Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles County	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER):

Shirin M. Soleman

Date February 11, 2010

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3 -1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))